

House bill 15, pension bill; to the Committee on Invalid Pensions.

Also, petition from George D. Meade Post, No. 48, Grand Army of the Republic, Lebanon, Mo., in support of House bill 15, pension bill; to the Committee on Invalid Pensions.

Also, petition from Post No. 588, Grand Army of the Republic, Marshfield, Mo., in support of House bill 15, pension bill; to the Committee on Invalid Pensions.

Also, petition from Post No. 433, Grand Army of the Republic, Mount Grove, Mo., in support of House bill 15, pension bill; to the Committee on Invalid Pensions.

Also, petition from Houston Post, No. 339, Grand Army of the Republic, Houston, Mo., in support of House bill 15, pension bill; to the Committee on Invalid Pensions.

Also, petition from Post No. 355, Grand Army of the Republic, Dixon, Mo., in support of House bill 15, pension bill; to the Committee on Invalid Pensions.

By Mr. SCULLY: Petitions of Emil Miller, of Freehold, and David Uman, of Chrome, both of the State of New Jersey, favoring action by Congress to limit exports of wheat, etc.; to the Committee on Ways and Means.

By Mr. J. M. C. SMITH: Petitions of Albert Randall and 45 citizens of Waldron, and C. E. Paul and 24 citizens of the vicinity of Bedford, all of the State of Michigan, protesting against the passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. UNDERWOOD (by request): Petition of sundry citizens of Birmingham, Ala., protesting against bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. VOLLMER: Petition of 35 American citizens protesting against House bill 20644, to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. WALLIN: Petition of sundry citizens of Schenectady, N. Y., favoring passage of bills to amend the postal laws; to the Committee on the Post Office and Post Roads.

By Mr. WEBB: Petition of sundry citizens of North Carolina, favoring passage of Hollis-Bulkley rural-credits bill; to the Committee on Banking and Currency.

## SENATE.

SATURDAY, February 27, 1915.

(Legislative day of Friday, February 19, 1915.)

The Senate reassembled at 10 o'clock a. m., on the expiration of the recess.

### THE SEAMEN'S BILL—CONFERENCE REPORT.

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses upon the bill (S. 136) to promote the welfare of American seamen in the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea.

Mr. BURTON. Mr. President, at the conclusion of the session last night I had the floor upon the conference report.

Mr. GALLINGER. Will the Senator from Ohio permit me a moment?

Mr. BURTON. Certainly.

Mr. GALLINGER. I ask unanimous consent to have inserted in the RECORD a brief article from the Journal of Commerce on wages upon American ships.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the New York Journal of Commerce, Feb. 25, 1915.]  
COST OF RUNNING AMERICAN SHIPS.

NEW YORK, February 24, 1915.

Editor of the JOURNAL OF COMMERCE AND COMMERCIAL BULLETIN.

SIR: Assuming that the replies received by Senator GALLINGER to the inquiries he sent to representatives of companies that have placed foreign-built vessels under American registry are correct—and I have no reason to doubt their accuracy—it would seem that when the American flag is raised on a vessel the officers and crew demand American rates of pay and American conditions of living. This imposes an expense upon the American owners that seriously handicaps them in meeting the competition of vessels under foreign flags, run much more cheaply than vessels under the American flag are run. In the matter of crew pay the difference runs from over 40 to almost 90 per cent higher on the American than on the foreign vessel, and the extra cost of victualing still further increases the difference. This amounts to several thousand dollars in a year. The difference may be just enough to spell loss instead of profit in running a vessel under the American flag in competition with a vessel under a foreign flag. There is a well-defined "demand" for an American merchant marine in the United States. The figures you quote Senator GALLINGER as having obtained from American owners of foreign-built vessels recently

placed under the American flag show that for the American investor to meet that demand, by furnishing vessels under the American flag for foreign trade, he imposes upon himself an extra expense, not voluntarily, but compulsorily, once the flag is raised, that he is helpless to avoid. He seriously, if not fatally, handicaps himself in competition with ships under foreign flags. He found, running his ship under foreign flags, that he could run it as cheaply as his foreign competitor could run his ship, and he has, seemingly at least, been content to earn the profits that his foreign competitors earn, else how shall we explain American ownership of upward of 2,000,000—some say 2,500,000—gross tons of vessels under foreign flags? But he has met the American demand for an American merchant marine at a quite unnecessary additional expense to himself to the extent that he personally is able to meet that demand. We will say that he gets in return for this added expense the protection of the American flag, which is of substantial value during this European war, and he also gets the benefit of the Government insurance of his vessel against war risks, also of some pecuniary value.

Will you say what benefit an American owner of a vessel under a foreign flag could count upon in peace time for the extra expense he would incur in placing his vessel under the American flag to operate in foreign trade? I know of none. No discrimination is made in favor of a vessel under our flag, nor is any discrimination made in favor of the goods carried in an American vessel. Our laws treat the foreign vessel in competition with the American vessel in the carriage of our imports and exports in every respect precisely alike. Why, then, in peace time, should an American handicap himself with the extra expense of running a vessel under the American flag that he can avoid by running her under a foreign flag? Why should he risk loss of profit and final bankruptcy in running his vessel under the American flag at a greater expense than his competitor is under in running his foreign vessel under a foreign flag, in a carrying trade that is competitive?

If there is an advantage to the Government or to the Nation through its possession of an American merchant marine—an American merchant marine privately owned—and American registry places the American owner at a disadvantage he can not overcome in running his ships in competition with foreign ships in foreign trade, should not the Government or the Nation, because of the advantage it has in having an American merchant marine, indemnify the American owners of it for the pecuniary losses they suffer thereby?

If the American investors in ships under foreign flags are able to show, as Senator GALLINGER has been shown, that it costs several thousands of dollars more annually to run a vessel under the American flag than it costs to run the same vessel under a foreign flag, why should an American investor or American investors lose several thousand dollars annually on each ship? And, demonstrating this handicap of higher expense under the American flag, are not the American investors in ships under the American flag justified in asking the beneficiary of an American merchant marine to make good the losses they suffer because they carry the American flag? Is it just to denounce such American investors as "Treasury looters" or "subsidy grabbers," or as persons seeking to rob the National Treasury, to hold them up to public scorn and opprobrium? Of course, relief for them lies in placing their vessels under foreign flags, where they are not subject to the annual losses of several thousand dollars—a relief, manifestly, that many of them had found before this war, a relief obviously that they will find again when the war is over.

Is it not plain that if the United States, the Nation, needs an American merchant marine, the United States, the Nation, should pay for it, at least to the extent that an American merchant marine is more expensive to those who operate it than a foreign merchant marine?

Respectfully, yours,

A. R. SMITH,

Editor of the Marine News.

Mr. BURTON. Mr. President, I call attention to that phase of the proposed bill which pertains to our relations with foreign countries. In the first place, the bill provides for abolition of arrests for desertion. That, I believe, every Member of the Senate will approve. It is contrary to the genius of our institutions to compel any man to submit to an involuntary servitude. Under the treaties which are now in existence, our police officials can be called upon to arrest in ports of the United States deserters from foreign ships in our ports. That provision of the treaties is not enforced to any considerable extent and the abrogation of that part of our agreements with foreign nations would cause very little friction, because they recognize that the sentiment of our people is against it. We abolished, in 1898, the arrest of domestic seamen for desertion, and the results have not been serious. It was maintained by some ship-owners at the time that the abolition of arrest would cause desertion and make it impossible to conduct the business of shipping without serious embarrassments. It was claimed that the discipline maintained on board ships should be similar to that in the Army, and that it was necessary, when a ship sailed for a voyage to and on return from any port, that there must be assurance that the crew would be available for the round trip. But in practice no serious results have accrued. We now ask in this bill—and it seems to me there should be no opposition to it—that abolition of arrest for desertion from foreign ships should be placed on the same footing with the law pertaining to domestic shipping.

There are, however, other provisions in the bill of a most serious nature. It is proposed, in the first place, that even though advance wages have been paid in a foreign port to sailors on foreign ships they can, nevertheless, on giving notice, again collect one-half their wages in any domestic port. The manifest object of this is to furnish a certain amount of money so that they may have means to make desertion effective. In order to carry out this provision, that half the wages must be paid, our courts have been opened for the enforcement of the claim.

There is no country in the world, so far as I know, that has any such provision in its maritime law. It is a violation of the law of contract. It is a palpable violation of international comity. It is impossible that it should be submitted to without very serious protest and the most vigorous opposition. Already protests have been filed by foreign countries against this provision. In order to make this law effective it would be necessary to abrogate commercial treaties with the leading nations of the earth. The abrogation of one clause such as I read yesterday, showing that our treaty with Germany gives special control in the matter of wages, would reopen the whole subject and would, no doubt, induce every one of the countries to ask concessions from us and perhaps would invoke retaliation in other matters. We can not afford, Mr. President, to take such a step.

Again, the statute in regard to allotment is very ambiguous. In conversation with the author of the bill in the House of Representatives he expressed doubt as to what it meant. I am inclined to think it is intended to refer only to allotments made in ports of the United States, but the provision as I read it last night is open to the construction that it pertains to allotments made in foreign countries. These allotments are almost universal. They are made in practically every country with which we have commercial relations.

Besides the difficulties in regard to allotments, the bill contains some very unusual provisions pertaining to able seamen. Every one of the large number of seamen on boats entering our ports must file an affidavit and show that he has had three years' experience at sea or other qualifications, and must take out his certificate in this country. At first sight that might seem an easy matter, but it pertains to 250,000 seamen who annually visit our ports, many of whom come as often as once a month. It is utterly impracticable without a serious enlargement of our force of officials, who must carry out this provision of the law.

Still further in regard to the language test, it must be enforced by collectors of customs. It is even more impracticable and difficult to enforce than the certification of seamen. It would be necessary for every collector of customs to have a staff of men understanding a great variety of languages—French, German, Spanish, Swedish, Norwegian, Italian, Slavic, Chinese, Japanese, and probably others.

To this is still further added a provision that a reputable citizen may up to six hours before the hour of sailing file a statement that he does not believe the provision in regard to language and to the number of able seamen has been complied with, and the collector must make a muster of the crew. Fancy what would happen with a boat carrying thousands of passengers, a crew of five or six hundred members, if the collector were compelled within six hours of departure to make a muster of the crew and determine whether in all departments the crew understood the language of their officers and whether all its members who were required to be able seamen had the necessary certificates. It is beyond question that it will be utterly impossible to enforce this provision in any six hours. It would mean that ocean mail steamers, which are liable to heavy penalties if they do not sail on schedule time, must be delayed for many hours after the date of sailing. The passengers would be detained, and it would probably be necessary for the boat to postpone its departure until long after its schedule time. These regulations are absolutely unprecedented. Sailings could not occur regularly. They impose upon the masters and owners hardships which are unendurable.

It is not alone consideration of our duties to foreign countries which affords objections to this bill. Its enactment is bound to cause a great increase in freight and passenger rates in our own country, and this will apply with especial force to the cotton ports of the South. If a boat enters any port from Norfolk to Galveston or Aransas Pass it must be subject to all these regulations: First, the requirement that any master or officer on board who violates the law in regard to the payment of half wages is subject to be arrested and taken from his vessel. Again, there must be a certificate filed that the law in regard to allotment has been complied with. Still further, there may be a muster of the crew to show that there is the requisite number of able seamen and that the language test has been complied with. This will delay the sailing of boats and it will greatly increase the expense. There is nothing which causes greater demoralization than uncertainty. The immediate result of such regulations when carried into effect would be higher rates upon our grain, our cotton, and all our products which are shipped abroad, and, in addition to that, a great uncertainty in obtaining vessels at the time when they are needed and interference with the date of sailing.

Can we afford to pass such a law as this? Can we afford to create this degree of tension and irritation with all the nations of the earth which send their ships to our country?

Mr. President, if there is one thing more than any other on which I wish to speak before I leave this Senate it is upon the necessity of a greater degree of cooperation with foreign Governments. Year by year our relations with even the remotest countries are becoming closer. Possibly in the Senate the flip-pant remark has been made, "What have we to do with abroad?" Mr. President, we have everything to do with abroad. We are of the great community of nations; we should assume a leading position among nations of the earth, and the first characteristic of that position should be that our course be one of justice and our disposition be one of good will, of comity, and of cooperation.

I am perfectly aware how popular with many audiences is that appeal to a false spirit of patriotism which would exaggerate our own rights and cause us to disregard the rights and the feelings of the many nations with which we have to do. It is not a dream that the time is coming when there will be more perfect harmony among the civilized nations, and in that great movement which is sure to come we should take the lead. Every statute, every treaty rejected or adopted in which we look out only for ourselves and have no regard for other people, is a backward step in the progress of the United States and in the progress of the world. We should assume a new position in this regard. We should assume a position under which we seek to pay regard to the interests and the rights and the feelings of every nation on the globe, be it great or small.

I do not share the alarmist note which was uttered yesterday in regard to the outlook for the future. A great war is being waged, in which the interests of Americans will be involved, in which there will be injury done to our ships, in which, in view of the awful conflict that is raging, the assertion of rights by the warring nations may offend us and cause us to feel that our rights and interests are disregarded.

Mr. President, we should stand firmly by what is right. We should have a lively appreciation of the fact that nations with which we have been at peace are engaged in a life and death struggle. I do not altogether approve this supreme regard which seems to prevail in our country for the exploitation of our trade at this time. In the future a condition is sure to arise in which mere relationship of commerce will be eclipsed by other considerations. The great question will be whether the nations of the earth are to continue their colossal armaments or whether they are to live in unarmed peace.

I trust that after this war is over there will be such a realization of the horrors of war that men of all nations will combine in the resolves that it is time to do away with this barbarous method of settlement of international difficulties and that a great court, like our own supreme tribunal, will decide questions at issue between nations as well as between individuals. No time quite so inopportune as the present could be chosen to pass such a bill as this. If they were at peace, if they could give consideration to their commercial relations and to their treaties without the embarrassment of war, there might possibly be some justification for such provisions and regulations as are contained in this bill, but at this time, when the whole thought of everyone of these leading countries is occupied with war, with their supreme attempts for victory, we should not add to their difficulties and complications by adopting regulations which are offensive and burdensome to them. Some in speaking of this controversy lightly say that an untoward incident or an unfriendly act toward a foreign nation will mean war. I do not believe that. I do not believe that there is any strong probability that this Nation, which is now at peace and is enjoying the blessings of peace during a fearful war, can possibly be brought into the conflict, but there is a consideration quite as serious as that. What are to be our relations with these countries now and in the future? Are they to be those of friendship and good will or are we, as it were, to thrust a sword into their vitals, which will cause ill will and retaliation when the war has come to an end? This conflict must cease at some time, and there should be no roots of bitterness planted in this day when they are engaged in this struggle which may survive when they are at peace. It will surely mean retaliation; it will surely mean ill will. So, I say, even if the regulations proposed in this bill had justification, this is not the time to adopt them.

I say again that we should not in this peremptory manner by a statute abrogate treaties, but prior to that and preliminary to that we should engage in negotiations with the various countries with which the treaties are made.

I have no doubt that the provision in regard to desertion could readily be removed from every treaty in which they are contained. I should favor insisting upon that. It is said the fugitive-slave law, about the year 1792, was based on this statute for the arrest of deserters from boats. It has remained in our treaties and on our statute books for 120 years. Let it be re-

moved, but let everything be done with decorum and in an orderly manner.

A conference met at London, largely on our initiative, which sought to go over this whole field. It provided for greater security to life at sea by more efficient hull construction; it provided a more perfect system for the detection of derelicts, for pointing out the existence of ice, for arranging lanes over which vessels should take their course; it provided elaborate regulations as to lifeboat service, and I want to say that the part of this bill incorporating these provisions meets with my hearty approval. These provisions were agreed upon by the leading maritime nations after two months or more of consideration. It was carried into the House bill, which differed very materially from the Senate bill. The Senate bill made the test of skill in handling lifeboats the qualification of all able seamen. A man may have served three years and yet know nothing about the handling of lifeboats. I regard that provision as an extremely vicious one. The House provision, following the London conference, adopted instead the requirements for certificated lifeboat men—a very great improvement. In this regard the bill is in accordance, as I have said, with the London conference, and it should be adopted.

We, however, left out everything in regard to hull construction; everything in regard to derelicts and ice, and also the other provisions relating to fire on board ships, a fruitful source of disaster. Those are not in this bill. In any well-framed legislation each and all of them should have a part, but this bill is framed in accordance with the desires of one side of this controversy for their advantage, rather than for the advantage of the general public.

It was not without learning some lessons, Mr. President, that the Committee on Commerce listened for two months to the impracticable and sometimes selfish arguments on both sides of this controversy and then sought to frame a bill which should be, as far as it could be, framed in accordance with the wishes of those who were interested in shipping and those who were employed, but with the polar star, to which we looked—the interests of the public.

That bill passed with some amendments here just before the 4th of March, 1913. It had first passed the other House. As I said last night, it was then amended in the Senate and made a much better measure, one which safeguarded the interests of the public in a higher degree and omitted some of the very drastic and impracticable provisions of the House bill. Unfortunately it was presented to the President only an hour before the expiration of his term, and he refused to approve it.

In a matter of this kind we can not listen wholly to either side. It is our duty as Senators to regard the interest of the whole Nation and all its people, and to have due regard for our treaty engagements. This conference report disregards those treaty engagements; and, if I may appeal to the commercial interests of the country, it is fraught with danger to our producers. It means higher rates on freight; it means that a higher price will have to be paid on cotton and on grain; it means more irregular sailings and poorer facilities for the shipment of our exports.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me to ask him a question?

Mr. BURTON. Certainly.

Mr. SMITH of Georgia. Does it not also mean the creation of such a condition of affairs for the average ship that, at least for quite a length of time, we will probably have very few foreign vessels come into our ports at all, which will seriously involve danger to our exports?

Mr. BURTON. I would not express it as strongly as that. It would surely lessen the number of ships coming here; it would surely increase rates; it would surely embarrass regularity and promptness in the shipment of our exports; and, right in line with what is suggested by the Senator from Georgia, it would give a very great advantage to other countries which are in competition with us.

Mr. MARTINE of New Jersey. Mr. President—

Mr. BURTON. Just one moment; allow me to finish answering the question of the Senator from Georgia.

In view of these regulations with which compliance is so difficult, any tramp steamer, instead of going to Galveston or Savannah or New Orleans, would prefer to go to Buenos Aires or Montevideo or some other outlying port of the world. In the rates of freight there would be a lower schedule for those countries than here, and foreign ships would, as far as possible, avoid our ports and use the ports of other countries. That is inevitable.

Mr. MARTINE of New Jersey. Mr. President, will the Senator now yield to me for a moment for a question?

Mr. BURTON. Certainly.

Mr. MARTINE of New Jersey. I would ask, would it not tend to safeguard the lives of passengers and seamen? Money is a consideration that it is well to look after; but there is something greater and higher than the visible stipends of profit. I believe it would be possible, from conversations I have had with men engaged in seafaring life, to better safeguard the lives of seamen and passengers. I believe the history of the *Titanic*—and from that great disaster this bill originally sprang—should teach us a lesson that we should not lose sight of. I believe the very features of this bill are an advance in the direction of safety at sea, and I believe that the life and the welfare of the poor seaman who stands before the mast should be considered quite as well as the matter of dollars and cents that is raised by the Senator from Georgia [Mr. SMITH].

Mr. BURTON. Mr. President, I will not admit for a moment that I am any less solicitous for the safety of human life than is the Senator from New Jersey or any other Senator.

Mr. MARTINE of New Jersey. I do not want to believe that the Senator is, but the whole thought advanced by the Senator—

Mr. SMITH of Georgia. I raise the point of order that the Senator from New Jersey is not asking a question, but is making a speech, and the Senator—

Mr. MARTINE of New Jersey. Oh, Mr. President, I do not think I made a speech, but asked a question.

Mr. SMITH of Georgia. I am raising a point of order, and I am entitled to the floor. The Senator from New Jersey can not by loud expression deter me from making my point of order.

Mr. MARTINE of New Jersey. Oh, great God! I have no such thought.

Mr. SMITH of Georgia. I raise the point of order that the Senator from Ohio can not yield to the Senator from New Jersey, except for a question.

Mr. MARTINE of New Jersey. That is what I was doing; I did not make a speech at all.

Mr. SMITH of Georgia. The Senator from Ohio can not yield except for a question.

The VICE PRESIDENT. The ruling of the Chair has been that if the Senator holding the floor yields for other than a question, he yields the floor, and may be taken off the floor if the Chair chooses to recognize any other Senator claiming recognition.

Mr. MARTINE of New Jersey. Mr. President, I feel that I was entirely within that provision. I rose to ask a question, and I feel that what I said was simply a question.

Mr. BURTON. Mr. President, I understood the Senator from New Jersey to be propounding a question.

Mr. MARTINE of New Jersey. I have no desire to prolong the controversy, but I can not condone or pardon the vengeance with which the Senator from Georgia attacks me.

Mr. BURTON. Mr. President, I think I can not yield further, although I desire to accommodate the Senator from New Jersey.

So far as the humanitarian provisions of this bill are concerned, so far as the provisions for lifeboats are concerned, I cordially approve the general provisions of the bill. In some cases the provisions are altogether too drastic; but I do not wish anyone to rise here and by the remotest implication assert that I am disregarding the safety of human life. The trouble is that is not the object of this bill. The object of this bill is to give control to a certain element over the shipping of this country, so that they can tie it up in any port at any time.

You have added to the provisions which are attractive and salutary other provisions which complicate our relations with every maritime nation in the world, which violate treaties, which violate the comity among nations, and which will impose untold hardships on our own people.

Do not let the excuse be made that this bill is alone for the safety of human life. The provisions for the safety of human life were contained in the bill passed in March, 1913; they are in the London conference. If that were the object of the bill, why do we not have inserted here that which is most important in the saving of life—provision for better hull construction and security against fire. Everyone who has studied this subject realizes that in a majority of instances when disasters occur at sea lifeboats are inefficient to save life. If there is a wind of 20 miles an hour or more, it is almost impossible to handle them. The one rock, I may say, on which we should rest should be the ability of a ship to float and its protection against fire. There is nothing on that subject in this bill. There is nothing to prevent collision with icebergs; there is nothing in regard to reports from one ship to another on the great ocean lanes concerning obstacles likely to be met; but there is a great deal about the payment of half wages in violation of contracts;

there is a great deal about understanding the language, and there is a great deal about qualifications of seamen.

There is a provision here which makes it possible to tie up the fastest and most important ship on an affidavit filed with the collector of customs, under which it is made his duty to stop the sailing of any ship until he can take a muster. Mr. President, you know how impossible it would be, with a crew of 600 or more, to go through such a muster as that without finding some unintentional or trivial violation of the law.

Mr. SMITH of Georgia. Will the Senator call attention to the paragraph in the bill which covers the provision to which he is referring?

Mr. BURTON. Does the Senator mean the provision in regard to muster?

Mr. SMITH of Georgia. Yes.

Mr. BURTON. It is on page 18 of the comparative print, third column, and is as follows:

The collector of customs may, upon his own motion, and shall, upon the sworn information of any reputable citizen of the United States setting forth that this section is not being complied with, cause a muster of the crew of any vessel to be made to determine the fact; and no clearance shall be given to any vessel failing to comply with the provisions of this section: *Provided*, That the collector of customs shall not be required to cause such muster of the crew to be made unless said sworn information has been filed with him for at least six hours before the vessel departs, or is scheduled to depart.

Now, fancy what would happen if an ocean liner could be held up under such a provision as that. Fancy what would happen at one of your southern ports, where I think the hardship would be greatest. Suppose a boat comes there for a cargo, and a part of the crew or the whole crew desert. It would be very difficult to obtain sailors in their place. It would be easier at the great centers of shipping like Boston and New York and Philadelphia, but at such a port as Galveston or Savannah or Mobile it would be exceedingly difficult. Perhaps the master would say, "I can not sail at all." But suppose he did get together a crew. Suppose there was a bitter contest between the master and the seamen. Some reputable citizen could file such an affidavit as this and keep the boat in that port indefinitely. Before a boat sails from the other side they are going to take into account all those possibilities. The owners, in the first place, would hesitate about sending the boats at all; and if they were sent, the rates of freight would be very much higher in view of the possibilities which might arise under such a regulation.

Mr. SMITH of Georgia. Mr. President, does not that paragraph apply to all the limitations as to age, length of service, and so on?

Mr. BURTON. Yes; as to language and the number of able seamen as well.

Mr. SMITH of Georgia. Suppose a boat with a crew without the qualifications required in this provision came, say, into the port of Jacksonville, Fla. It could not go out unless it was able to equip itself with a crew from that point with the specified length of service.

Mr. BURTON. Certainly not. Let me call attention to one other difference in the law which may not assume the greatest importance, but should, nevertheless, be considered. The age of an able seaman in Norway is 18 years. Under this statute it is 19 years. Suppose a boat which sails from Norway with a number of able seamen under their law, but two or three of them that are only 18 years old. That boat could be held indefinitely in the port of Jacksonville before it would be allowed to sail.

There is nothing like it, I repeat, in the laws of any nation on the globe. We are occupying a position which puts us out of harmony with the whole shipping business as it now exists in all nations; and we are seeking to enforce regulations so drastic, so impracticable, so difficult of execution, that in the long run, notwithstanding the offense given to foreign countries, we will be the chief sufferers. We can not pass such a statute and enforce such a system without bringing the chief disadvantage upon the United States.

Mr. President, I have advanced these arguments before, and it almost seems to me vain to reiterate them now. I have sometimes thought it might be best to have this bill passed and see how it would result, under the principle that the best way to defeat a vicious law is to enforce it.

Mr. FLETCHER. Mr. President—

Mr. BURTON. I hope that if it does pass there may be such forbearance on the part of those who could take advantage of its provisions, such fairness, I may say, that the havoc which lurks in it will not arise. So far as the increase of wages of seamen is concerned, I am entirely in sympathy with its features.

Mr. FLETCHER. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from Florida?

Mr. BURTON. In just a minute. I am in sympathy with its provisions for shorter hours, for more opportunity for rest in port, for better quarters, and better food, and hospital provision. My sympathies in this matter are with the seamen, who lead a life of unusual hardship, and who, to tell the truth, have been very badly treated by their employers on some occasions. But let us not deliver a smashing blow to the whole shipping world just to accomplish these things, which can be readily accomplished without legislation so radical, so extreme, and so obnoxious to all the other maritime nations of the world.

This same hardship rests upon our domestic shipping. We have listened here for hours to arguments in regard to the decadence of American shipping. There is not a man here who does not wish to see the American flag restored to the sea. That is a long story. The main reason why we do not have a mercantile marine is that we are placed in competition with the whole world. Wages are lower on foreign ships. The cost of construction is less. There is an infinite opportunity in this country for investment on land. The tastes and preferences of our people are not for the sea. The great majority of our seamen are foreigners. It is an almost inevitable condition.

You can build a tariff wall around this country; you can give subventions to our manufacturers and producers and enable them to shut out the products of other countries; but man stops at the shore. When we enter into competition on the ocean, presumably those who will furnish the service cheapest must prevail. That, in a word, is the history of the decadence of American shipping. But we have recently passed laws allowing American registry to foreign-built ships. There exists a great emergency, in which a large part of the shipping of the world has been withdrawn from use for a variety of reasons. Now is the encouraging time, if ever, to build an American marine.

I do not wish to interject into this discussion my views about the ship-purchase bill, but I think it not only discourages but almost destroys private initiative. I know of many instances of private investors who wish to buy ships, who are ambitious to own boats that would fly the American flag and enter into the ports of foreign countries, who have been deterred from doing anything by the pendency of the ship-purchase bill. Now we come along with this statute, which discourages them all, which makes it uncertain whether the owner of a boat can control the boat and utilize it in such manner as will make it a useful agency of transportation.

Why, Mr. President, the friction caused by giving preference to American shipping through the Panama Canal is but a bagatelle in comparison with the irritation that this act will cause among foreign nations. That was a controversy with but one nation. This has the seeds of controversy, of irritation and retaliation, with every nation that owns ships which enter our ports. I can not believe that the Senate, if it would thoroughly consider this subject, would pass such a bill as this. Pass every part of it which gives shorter hours, which improves the condition of seamen; but the main purpose of this bill is to enable them to break contracts and demand half their wages; to provide regulations in regard to the manning of boats which other nations do not provide; to establish a principle which has been always denied, that we can control the internal management of foreign ships. It is the denial of a principle for which we ourselves stood as strenuously as any nation so long as we had a mercantile marine. It is the assertion of a principle which, if ever our mercantile marine gains a new position, will come home to plague us by retaliatory measures on the part of other nations.

Why, do you believe that if we owned a mercantile marine we would wish the German authorities at Hamburg or Bremen to go on board and inquire regarding the contracts for wages and to say, "True; you made a contract in the United States, but we will invalidate that contract and make another of our own"? Would we submit to that? The chief sufferer will not be the foreign shipowner. He will take care of himself. If he can not go to the ports of the United States and receive there the treatment accorded everywhere else in the world, he will go to some other port. He will carry the wheat of Argentina to the markets of Europe at cheaper rates than he carries the wheat of the United States. He will be averse to affording shipping for carrying the cotton of the United States to the markets of England and of Germany and of France. I do not, however, wish to make this appeal to the selfishness of the American people. The substance of my argument I make rather to the fact that these nations who have protested against this bill are now engaged in a colossal struggle, and that we are

taking advantage of that position by imposing upon them regulations which just so surely as peace will come—as it must come—will provoke retaliation, discrimination against American ports, and discrimination against American trade. Still more, it is not fair to them when they are engaged in such a contest as this to pass a law which abrogates treaties.

I would say a few words in regard to the condition on the Great Lakes, but I am not going to allow my interest in that locality to affect my argument on this occasion. I want to stand for national faith, for good will with foreign countries, and I want to deal with the features of this bill which have an international aspect. The boats at Cleveland, Chicago, Buffalo, and Detroit—at least the passenger boats—will no doubt be very much hampered. Some of them may be put out of business. The excursion business certainly will be very much handicapped; but that is not the main argument against this bill. Under the measure as it passed the Senate a boat line from Detroit to Cleveland and Buffalo, which for 50 years has not lost the life of a passenger, would be compelled to carry 30 or 50 extra men on every trip to comply with an impractical regulation regarding lifeboats. Under this bill, as it passed the Senate—and I call special attention to that—a boat which is rarely more than 10 miles from land, which passes other ships every few minutes, would be subjected to regulations the same as those which govern a boat sailing 6,000 miles on the ocean, on a course where it would hardly meet a single ship for the whole journey. That not only was wrong, but it was an absurdity. The conferees saw that; and I want to say to the conferees who are here that I do not think any possible criticism can be visited upon them. They had two bills, one of the House and one of the Senate, both very drastic in their nature. Their function was to harmonize those two bills and make a measure derived from them. They had a difficult task, and their work is rather to be commended than criticized. It is true that they did what I think is rather irregular in such a connection. They struck out provisions that were in both bills, and they put in provisions that were in neither. They had a power greater than that of the President of the United States. The President would be extremely glad if, when this measure comes to him, he could say, "I approve the general tenor of this bill, but here is a paragraph that I will strike out, and here in another place is a paragraph that I will insert." I am not sure but that our legislation would be better if the President had that right, but he does not have it. Just as he has the right only to approve a bill or to veto it in its entirety, so a conference committee has only the right to take the bills before it and harmonize them. The committee did more than that. But I am inclined to think they very much improved the bill.

However, if you establish that precedent here, that a conference committee has the right of appeal and of initiative, we are liable to have propositions inserted in bills that neither the Senate nor the House has approved. I question whether the Senate desires to approve such a precedent as that. As I understand it, legislation rests with the Senate and with the House, and there are very well-defined limitations upon the powers of conference committees under the rules of parliamentary law. I know of no statute or any parliamentary law which allows a conference committee to frame the laws which Congress is to enact.

Mr. GALLINGER. Mr. President—

The VICE PRESIDENT. Does the Senator from Ohio yield to the Senator from New Hampshire?

Mr. BURTON. Certainly.

Mr. GALLINGER. The Senator from Ohio, who had long experience in the House, is aware of the fact that in the other branch of Congress a conference report can be absolutely thrown aside if a violation such as the Senator has called attention to has been committed.

Mr. BURTON. I so understand.

Mr. GALLINGER. I think we ought to have that rule here.

Mr. BURTON. I do not know what the rule has been in the Senate, but it certainly ought to be the rule that the Senate and the House after full discussion should pass bills which are to be enacted into law.

Mr. SHERMAN. Mr. President—

Mr. BURTON. I yield to the Senator from Illinois.

Mr. SHERMAN. The conference committee does not possess any power of original legislation, but is confined, is it not, to an adjustment of the differences between the two Houses? It has not power to originate independent sections or introduce a new subject matter.

Mr. BURTON. Certainly not. You can see what might happen to us at the close of a session. A bill might pass both Houses with some differences and go to a conference committee, and that conference committee might put in some entirely new

matter of the most objectionable nature. It would come here in the closing hours of Congress containing provisions of which nobody knew except the conference committee.

Mr. STERLING. I think it is true, so far as I can gather the fact in the limited experience I have had here, that conferees have incorporated in a bill something entirely new, not considered by either House; but, on the other hand, I have known instances where objection was made, and made with considerable emphasis, because the conferees had injected into the bill matters not considered by either House. One familiar example of that is the Alaskan coal-land-leasing bill, where matters finally were stricken out in the Senate because they had been incorporated in the bill by a conference and had not been passed upon by either House.

Mr. BURTON. I take it the Senator from South Dakota approved that action. No matter how salutary it is, the question is not whether it is better or worse, but whether it is regular and in accordance with orderly parliamentary procedure.

Mr. GALLINGER. I will ask the Senator if he noticed what occurred only a few days ago. The conferees on the District of Columbia appropriation bill attached some language to an amendment in the bill providing that the board of education should hereafter be appointed by the Commissioners of the District of Columbia instead of the court. When it reached the other body a point of order was made against it, and it went out of the bill as a consequence.

Mr. BURTON. I have no doubt that is correct.

Mr. President, I believe I have said all I care to say at this time. I regret that there is not a larger attendance of Senators, because I can hardly believe those who survey this acute situation would believe in passing a law which so affects the cherished rights of nations at war at a time when they are disabled. If full consideration were given to it, I can hardly believe they would pass this measure with its drastic regulations. Put anything in the bill in regard to health or the better condition of seamen and there will be no vote against it. Insert the provision taken from the London conference in regard to life saving, which was very carefully worked out by that body, assert the rights of the American seamen and protect them, but do not pass a statute which runs counter to our own national policy in our relations with foreign nations. Do not pass a statute impossible of execution.

Does anybody believe that our officials are going to receive the affidavits and the applications of 250,000 seamen who come to the ports of this country again and again during a year? Does anybody believe that our collectors of customs or any of their employees are such experts that they can tell whether all the members of a crew understand the language of the officers?

It has been intimated—I believe it was stated in the House, though the exact words that I am using may not have been employed—that this law would be enforced with a soft pedal. They will find that it can not be enforced with our present system.

I have noticed this very singular fact, that several of the great shipping lines are perfectly willing that it should pass. I do not care to mention the name of the line, but it is one of the leading companies in the world which did not oppose this measure or say a word against any of its provisions. Why? Because they knew that they were strong, and that in the general confusion and demoralization which would be caused by this bill they would have the advantage, while the small ship-owner or the owner of a single ship would be subjected to hardships likely to drive his boat out of business and keep him away from American ports. Do not let anyone lay the flattering unction to his soul that he is curbing monopoly or that he is restraining any Shipping Trust by passing this bill. Like any radical step of this kind, the strong can endure; they will raise their rates; they will have a callous disregard of the interests of American exporters; but the smaller man who goes to the numerous ports of the South and the minor ports of the North will find it impossible to carry on business under such a law as this.

I make my final appeal that when the world is full of the din of war and the nations that are affected are powerless to protest it is unfair for us to enforce such regulations, which are unprecedented in the history of shipping and which are an offense and most obnoxious to all the nations, and which if we look at it even from the most sordid standpoint will lead surely to retaliation in the future days of European peace.

Mr. VARDAMAN. Mr. President, I realize that the time of this session is passing very rapidly and the close is near at hand, and a great deal of legislation remains yet to be enacted—important legislation. I am not going to trespass very long upon the time of the Senate this morning in the discussion of

this question, although I regard it as one of the most important measures that have engaged the attention of this body since I became a member of it.

It is peculiar in this: The prominent feature, the chief purpose, is to ameliorate the condition of that class of American citizens whose inhuman treatment, to my mind, has become a national disgrace. We have given some attention to the welfare and well-being of every other class of American laborers except the toilers of the sea. Not only is this legislation designed to improve the condition of the sailor, but when this conference report shall be adopted and this bill shall be enacted into law the effect will be felt throughout the civilized world.

Mr. President, if the Sermon on the Mount were delivered to this body to-day for the first time, from the veracious lips of Moral Completeness, some Senator in this Chamber would rise in his place and object to the application to governmental questions of the eternal principles enunciated in that sacred message, lest the order of things might be disturbed and business disorganized on account of the abnormal conditions and the sensitive state of the public mind produced by war. If the Decalogue had been discovered on yesterday and transferred from Sinai's mysterious height to the Presiding Officer of this body with the direction that he lay it before the Senate for consideration, I have not the slightest doubt but that some voice in this Chamber would be heard very promptly protesting against the interference with established condition, the vested right of big business, the control and management of all the affairs of men that a few might grow rich at the sacrifice of the many, by the enactment into law of the principles embodied in that incomparable message from the loving lips of Compassionate Omniscience.

Mr. President, I am afraid the rule of gold has taken the place of the golden rule in matters of legislation. The love of money is eating out the hearts of the American business man and its malign influence is being felt in the legislative councils of the Nation.

How long, O Lord, how long,  
Shall creeds conceal Thy human side,  
And Christ the God is crowned in song  
While Christ the man is crucified?

Now, let us see what this conference report contains, what this bill is designed to bring about. First, safety at sea, the protection of the life and providing comfort for the people who patronize ships, and make the business profitable to operate them. Second, to protect from the exactions of conscienceless greed the men who do the work, who operate the ships, and give them larger liberty and make the vocation more attractive to self-respecting men; to elevate the standard of manhood, and in that way improve the efficiency of the men and, consequently, benefit the entire world.

The Senator from Ohio [Mr. BURTON] speaks of demoralizing trade, interfering with the orderly management of our international affairs. Mr. President, if the passage of this bill should bring about a temporary disorganization or a temporary disturbance in business, the result to be accomplished is well worth whatever difficulties may result therefrom or sacrifice that business may suffer.

I can not for the life of me see how any man who loves his fellow man can object to securing to the sailor those rights, those privileges, those immunities which are provided in this bill. It is only doing scant justice to a long-suffering class of patient toilers. It can not hurt business. No business is entitled to prosper that has to prosper upon injustice and wrong.

I sometimes think that the cheapest thing in the world, in the estimation of the average man bent upon making money, is a human being. No more thought is given to him, no more care is taken of him than the piece of inanimate machinery he operates. He is a thing to be used, abused, and cast aside when no longer needed by the man or corporation in whose service he is employed. I submit that no business has a right to prosper upon conditions and upon a system of that character, and that is all there is in this bill that any Senator can object to.

I sincerely hope, Mr. President, that the conference report may be promptly adopted and that this bill may become a law. The Democratic Party is committed to it. It has the approval of the Chief Executive. It is demanded by our platform. It was one of the accomplishments of the Democratic Party mentioned in our campaign book that we went to the country on last fall and asked for indorsement at the hands of the American voters, and now to fail to adopt this conference report, to fail to redeem that promise would be an act of faithlessness on the part of the Democratic administration which I trust will not be charged against us when the inventory is made up of the accomplishments of this administration. Common honesty demands that this legislation be enacted.

Mr. VARDAMAN subsequently said:

I ask unanimous consent to incorporate in my remarks an extract from the platform and some other extracts from the campaign book giving something that the President had to say on this question.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

PRESIDENT'S ADDRESS, DECEMBER 2, 1913.

An international congress for the discussion of all questions that affect safety at sea is now sitting in London at the suggestion of our own Government. So soon as the conclusions of that congress can be learned and considered we ought to address ourselves, among other things, to the prompt alleviation of the very unsafe, unjust, and burdensome conditions which now surround the employment of sailors and render it extremely difficult to obtain the services of spirited and competent men such as every ship needs if it is to be safely handled and brought to port.

BALTIMORE PLATFORM, 1912—DEMOCRATIC.

We urge upon Congress the speedy enactment of laws for the greater security of life and property at sea, and favor the repeal of all laws and the abrogation of so much of our treaties with other nations as provide for the arrest and imprisonment of seamen charged with desertion and with violation of their contract of service. Such laws and treaties are un-American and violate the spirit, if not the letter, of the Constitution of the United States.

DEMOCRATIC TEXTBOOK, 1914.

Safety at sea: The action of the administration in sending representatives to the international congress in London has resulted in conclusions indorsed by the governments of the world for the better protection and safety of passengers and property at sea.

Lesson of *Titanic* disaster heeded: By the passage in both Houses of the Alexander-La Follette seamen's bill the working conditions of American sailors in the merchant service are improved and precautions are taken to avoid, in so far as American legislation can, such fearful loss of life as accompanied the *Titanic* disaster. All ships coming under United States jurisdiction are required to carry adequate life-saving equipment and to maintain crews of sufficient number and experience to meet any emergency. At this writing the bill is in conference, but is certain of becoming a completed achievement before Congress adjourns.

The VICE PRESIDENT. The question is on agreeing to the conference report. All in favor say "aye." [A pause.] Those opposed. [A pause.] The ayes have it, and the conference report is agreed to.

OHIO RIVER BRIDGE.

Mr. SHEPPARD. Mr. President, I intend to ask unanimous consent for the present consideration and passage of two bridge bills, which I shall now report. It is necessary that they shall be passed by the Senate to-day in order to get them through the other House before the session ends. I trust there will be no objection to their consideration.

From the Committee on Commerce I report back favorably, without amendment, Senate bill 7646, to authorize Parkersburg-Ohio Bridge Co., a corporation created and existing under the laws of the State of West Virginia, its successors and assigns, to construct a bridge across the Ohio River from the city of Parkersburg, State of West Virginia, to the town of Belpre, State of Ohio, and I submit a report (No. 1043) thereon. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. CHAMBERLAIN. Mr. President, I understand this is a bridge bill?

The VICE PRESIDENT. Yes. Is there objection to its present consideration?

Mr. CHAMBERLAIN. I have none, Mr. President.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RED RIVER BRIDGE, TEXAS.

Mr. SHEPPARD. From the Committee on Commerce I report back favorably, with an amendment, the bill (S. 7723) authorizing the Texarkana Board of Trade to construct a bridge across the Red River between Fulton, Ark., and Index, Tex., and I submit a report (No. 1044) thereon. I ask unanimous consent for the present consideration of the bill.

The VICE PRESIDENT. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Commerce with an amendment, on page 1, line 11, after the date "1906," to strike out the words "and also the act of December 17, 1872, as amended by the act of February 14, 1883," so as to make the bill read:

Be it enacted, etc., That the Texarkana Board of Trade, of Texarkana, Ark., Tex., be, and it is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto over the Red River between Fulton, Ark., and Index, Tex., for railroad and other traffic, at a point suitable to the interests of navigation, in accordance with the pro-

visions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.  
SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MILITARY ACADEMY APPROPRIATIONS.

Mr. CHAMBERLAIN. I move that the Senate proceed to the consideration of the Military Academy appropriation bill.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. The Senator from Colorado.

Mr. THOMAS. Will the Senator from Oregon yield for a moment, that I may ask unanimous consent for the consideration and passage of a small bill on the calendar?

Mr. CHAMBERLAIN. If I may be permitted to first have the Military Academy bill taken up, I shall be glad to yield to the Senator.

The VICE PRESIDENT. The question is on the motion of the Senator from Oregon to proceed to the consideration of a bill the title of which will be stated.

The SECRETARY. A bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes.

The motion was agreed to.

#### LAND GRANT TO GRAND JUNCTION, COLO.

Mr. THOMAS. Mr. President, I ask unanimous consent for the immediate consideration of House bill 19116 to grant certain lands to the city of Grand Junction, Colo., for the protection of its water supply. It involves a title to a section of land which is very necessary for the purpose indicated in the title of the bill.

Mr. SMOOT. I will say to the Senator from Colorado that we shall have plenty of time to pass this bill—which is a House bill—before adjournment.

Mr. THOMAS. That is possible; but Representative TAYLOR, of my State, is very much interested in the matter, and has asked me to take advantage of the first opportunity to secure its passage, if possible. It will take but a moment.

Mr. SMOOT. I do not object to the bill.

Mr. THOMAS. I am glad the Senator does not object to it.

Mr. SMOOT. I will not object to this bill; but I think we ought to have the calendar taken up and considered some evening.

The VICE PRESIDENT. Is there objection to the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### HOMESTEAD ENTRYMEN UNDER RECLAMATION PROJECTS.

Mr. THOMAS. Mr. President; I ask unanimous consent for the immediate consideration of the bill immediately following on the calendar the one just passed, being the bill (H. R. 19061) for the relief of homestead entrymen under the reclamation projects of the United States.

Mr. SMOOT. Mr. President—

Mr. THOMAS. It is a very short bill.

Mr. CHAMBERLAIN. I do not think the Senator ought to ask that, in view of the crowded condition of the calendar.

Mr. THOMAS. I shall not insist on the request. I am much obliged to Senators for allowing me to bring up and have passed the one bill.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 20814) to place Candler, Jenkins, and Evans Counties, Ga., in the eastern division of the southern district of Georgia.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20347) making appropriations for the support of the Army for the fiscal year ending June 30, 1916, further insists upon its disagreements to the amendments of the Senate to the bill still in disagreement, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HAY, Mr. DENT, and Mr. KAHN managers at the conference on the part of the House.

The message further announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill

(H. R. 19909) making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1916, and for other purposes, recedes from its disagreement to the amendments of the Senate numbered 16 and 20 to the bill and agrees to the same; recedes from its disagreement to the amendment of the Senate numbered 35 to the bill and agrees to the same with amendments, in which it requested the concurrence of the Senate; further insists upon its disagreement to the amendments of the Senate numbered 1, 2, 18, 21, 41, 63, 64, and 65, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. JOHNSON of South Carolina, Mr. BYRNS of Tennessee, and Mr. CALDER managers at the conference on the part of the House.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2642) authorizing the President to reinstate Joseph Elliot Austin as an ensign in the United States Navy.

#### ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice President:

S. 6631. An act to regulate the practice of pharmacy and the sale of poison in the consular districts of the United States in China;

H. R. 20688. An act to place Barrow County, Ga., in the eastern division of the northern district of Georgia; and

H. R. 12303. An act to amend section 3246 of the Revised Statutes of the United States, as amended by section 5 of the act of March 1, 1879.

#### SENATOR TILLMAN TO THE PEOPLE OF SOUTH CAROLINA.

Mr. CLARKE of Arkansas. Mr. President, I ask unanimous consent to have printed in the RECORD, without reading, the farewell address of the senior Senator from South Carolina [Mr. TILLMAN] addressed to his constituents. It is not an official communication, but it relates more particularly to the events that constitute the history of his public life in the service in the State of South Carolina. It is an account somewhat of the labors and achievements of his public life. It is worth being perpetuated. It is part of the life story of a man who, in my opinion, will be considered, when history comes to deal finally and fairly with him, as one of the remarkable men of his time.

The VICE PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

[From the Charleston (S. C.) News and Courier, Aug. 15, 1914.]

TILLMAN TO THE PEOPLE—THANKS VOTERS FOR HONORS CONFERRED—GOOD-BY TO OFFICE—SENIOR SENATOR SAYS HE WILL NOT BE CANDIDATE AFTER TERM EXPIRES—SERVED PEOPLE 28 YEARS—SAYS HE DOES NOT BELIEVE GOV. BLEASE SHOULD BE SENT TO THE SENATE.

The News and Courier received last night the following communication from Senator TILLMAN for publication this morning:

"To my constituents: Fellow citizens, I was 67 years old the 11th day of August, and felt like sending all of you a greeting. I served you as governor 4 years and have been your Senator in Washington 20 years. When my term expires, March 4, 1919, if I live so long, I shall have held the highest offices in your gift for 28 years. An old man desires to thank you for your generous support all this long while. May he not, without boasting, but in sincerity and earnestness, say that he has done his very best for both South Carolina and the Nation? Constituted as I am, I could not have done otherwise.

"One of the first lessons my good and noble mother taught me was, 'If a thing is worth doing at all, it is worth doing well.' While I was governor, therefore, I was governor, as everyone in South Carolina knows, not of the Tillmanites alone, but of all the people. And since I have been Senator I have tried to be as good a Senator as there was in Washington.

#### HIS FIRST SPEECH.

"Since August, 1885, when I made my first speech at Bennettsville, I have been one of the most prominent figures, and since 1890 the most powerful political factor in South Carolina. From the very start I won the love and confidence of a large majority of my fellow citizens, and it was because of the genuineness of my Democracy that I was so hated and bitterly opposed. Many good men believed I was an office-seeking demagogue, and could find no language strong enough to express their hatred and contempt.

"Two years ago, when a test of my patriotism came, I demonstrated to those who had always opposed me that I was not the selfish politician they had judged me to be. No one knew better than I the risk I ran in making the Ferguson letter public. I knew it jeopardized my reelection, but I would rather have been beaten than to have remained silent.

"My frankness, straightforward openness of speech, and honesty of purpose—I despise hypocrisy above all other vices—have thrown me into many a briar patch, which a more cautious man would have avoided; but I never have lost sight of the ideals which opened before me at Bennettsville, and the welfare and uplift of the masses have always been the guiding star which led me on. Your faith, fellow citizens, sustained me, and I greet you in this farewell address with affection and confidence.

#### GOOD-BY TO OFFICE.

"This is my good-by to public office. I shall not be a candidate again. Two years ago, when I asked you to reelect me that I might 'die in harness,' I fully expected to die very soon; but the good Lord

has seen fit to prolong my life and by teaching me to live rationally has enabled me to regain some degree of health. Should I live to the end of my term, I shall be 72 years of age, and I now serve notice upon all who are interested that I shall not try to succeed myself. If I live until March 4, 1919, I shall die out of and not in harness, as I have always wanted to do. But I shall not worry. Death awaits us all and is inevitable. I go the way of all my fathers, and I try to say in all humility and sincerity, 'Lord, Thy will be done.'

"For four years at least many men in South Carolina have had their eyes on the seat I hold. This is natural because of my illness and the expectation of my early death. There has been some discussion of it in the newspapers, which was to be expected. How curious, fantastic, and cruel is human selfishness! But, withal, how natural a thing it is. It is the only element of human nature which is universal. I do not complain at it, and I earnestly hope that the man who is chosen will serve the people as faithfully as I have. You may find a man with more ability than I possess; you can not find one who will bring to his work greater earnestness and honesty of purpose.

#### PRESENT SITUATION.

"Under the peculiar circumstances which now exist in South Carolina I hope I may be permitted to say a few words about the present situation in our State without being misunderstood. It gives me deep concern. I am mortified and disappointed that the primary system has failed to develop in the people sufficient political intelligence to enable them to escape the wiles and tricks of demagogues. Audacity and aptitude in repartee, coupled with a striking personality, have made the people an easy prey. Instead of candidates being compelled to discuss public questions and policies, they have been allowed to make appeals to prejudice, and the people, blinded by these arts, have followed and made heroes of men who are wholly unworthy. I have been, and still am, accused of inaugurating this method of campaigning. I challenge the production of a single speech of mine wherein I departed from the discussion of public issues or indulged in unparliamentary language until forced to do so by unfair opponents. The more bitter enemies of the reform movement began the vituperation and abuse that have marked South Carolina politics since 1890. They answered argument with invective; they greeted truth with showers of mud and filth, and they, not I, must bear the responsibility.

#### CONFIDENCE IN PEOPLE.

"Two years ago I lamented this same thing, and said I doubted whether I had not made a mistake in giving the people the ballot and teaching them how to use it. But I was impatient. I here reaffirm my confidence in the people—all the people collectively. I believe that the judgment of the whole people, rich and poor, educated and ignorant, high and low, is the surest and truest guide to political action. Their mistakes will be fewer and will be more quickly mended than will the errors of any one class, be it ever so enlightened. I believe this so religiously that I would rather have a bad governor or a bad Senator, elected by all the people than a good one elected by any one class. The whole people correct their blunders; the rule of a class tends to the growth and perpetuation of abuses. I have implicit faith that all the people of South Carolina are going to stamp out Bleaselsm sooner or later. The strongest Bleaselsites will be leaders as soon as they are convinced that they have made a mistake. If I did not believe this, I would lose all faith in self-government.

#### JEFFERSON'S SLOGAN.

"Jefferson's slogan was 'Teach the people and trust the people.' To this principle all patriots will give credence, and all Democrats will gladly obey. When the demagogue comes along and blinds the people by the glamor of his arts and instills deviltry and poison into their minds, good citizens must not despair, but redouble their efforts; for the truth is more powerful than falsehood and must prevail in the long run.

"Again I reaffirm my faith in the people. The battle between privilege and freedom, between equality and favoritism, is world-wide and ages old. It has brought the cataclysm which we are witnessing in Europe to-day. The people of that continent are struggling to free themselves from the shackles of autocracy and the Divine right of kings. It is a battle between autocracy and republicanism. The contest in South Carolina in 1890 was to overthrow an aristocracy which had come down to us from colonial days. It was a real revolution in which families were divided, father against son and brother against brother, showing that principle, and principle alone, moved the people to action. It was my high privilege to lead that movement which emancipated South Carolinians from the thralldom of an oligarchy which had ruled the State for a century. That was my greatest work. I taught South Carolinians to know their rights and how to obtain those rights, and the State has made marvelous progress in every way. In education, in some of its aspects, it has progressed more than any of its sister States; for we have Clemson and Winthrop as model schools, the best of their kind, and, if there were less selfishness and more public spirit throughout the State, the lamentable ignorance now existing in some sections would soon disappear.

#### SCHOOLS DEFICIENT.

"But our common schools in many counties are sadly deficient, and must be improved. A democracy without adequate means for educating its citizens is bound to be shipwrecked. We can not afford to let our children grow up like weeds. If we do they will choke out all that is best in our people and destroy our civilization. The State, in self-defense, if for no other reason, will, somehow or other, have to see to it that all the white children get at least the rudiments of an education. Compulsory education is a big question, and I have never heretofore favored it, but acute diseases demand drastic remedies, and if a statute can be framed that will force the white children into school, and at the same time give the blacks only the kind of training—manual and industrial—which they can assimilate, it ought to be done. Effective compulsory education will require a great deal of money, but if we are not willing to spend money for our children, God pity us. Whether a general law or local option by counties is the best is a matter of opinion, and will have to be thrashed out by the legislature.

#### SCORES BLEASEISM.

"The people two years ago elected a man governor who has 'run amuck,' as it were, and displayed so little realization of his high opportunities that it makes me sad and angry to be told, as I have been more than once, that Tillmanism is the direct cause of Bleaselsm. All thoughtful and intelligent men know that this is only a half truth, and half truths are the worst sort of lies. Tillmanism taught the people that they could whip and destroy special privilege with the ballot. That was a good thing, all must admit. Now, is Tillmanism to blame because the people have used that same ballot with which to elevate a dema-

agogue? Yes; I taught the people that they had a right to govern South Carolina, and I proclaim the principle anew. They have the right, even if they elect a hundred Bleases. 'Teach the people and trust the people.' We will in the end have better government at the hands of all the people than we would have if any one class ruled. The people will rectify their blunders as soon as they become convinced of their error.

"It would be just as true to say that Democracy causes socialism and anarchy as it would be to say that Tillmanism caused Bleaselsm. Had my health continued good, I would have taught the people the folly of Bleaselsm two years ago, pointed out the difference and stemmed the tide which Jones found himself unable to cope with. I would have guided the Tillmanites, while Blease only misled them, and all for the gratification of his own selfish ambition.

#### LAW AND ORDER.

"A large per cent of those who two years ago, and now, are yelling 'law and order,' want a law and order of their own contriving. They are not ready to admit that, politically speaking, all white South Carolinians are equal. They think themselves divinely commissioned to rule everybody else. The plain people saw this resurrected Bourbonism, and thinking it was the old 'ring' come to life again, took Bleaselsm in preference to it. Blease himself is a mere symptom. The real fever is bigotry, political intolerance, and social injustice. I call upon you, my fellow citizens, you who know and claim to want better and higher things, to broaden your sympathies. Stop prating about 'law and order' and treat your next-door neighbor with a little more consideration. Though he live in a hovel, though he never saw the inside of a school-room, he has the same right to vote for Blease that you have to vote against him, and you have no more right to question his motive than he has to question yours. Learn that great truth, act on it to the uttermost, and my word for it, Bleaselsm will disappear—and it will not disappear until you do learn it.

#### UNJUST DEALINGS.

"Then, too, a certain class of our fellow citizens have been very unjust and unreasonable in their dealing with the poorer people, treating them with no consideration whatever and showing a contempt for them. This is especially true with regard to those who work in the cotton mills. In many communities the people in the mill villages are a class apart, looked down upon and not associated with. No wonder socialism and the Industrial Workers of the World are getting a foothold among these citizens of ours. It did not used to be so, and it ought not to be so now. We all should address ourselves to the remedy, lest it bring dire disaster upon the Commonwealth; for in the last analysis white unity is absolutely essential for the continuation of good government. If these poor men are trampled under foot as they have been taught to believe they are, they will join with any movement, no matter how radical and ultra, to get revenge. This is the secret of Blease's hold on the people who work in the cotton mills; and we ought by every means in our power to break that hold by showing the same respect and consideration for them that we do for others.

"As for those who compare Blease the man with TILLMAN the man, they are for want of a better term, what I may call maliciously ignorant. Blease and TILLMAN were both popular idols, and there the resemblance ends. I had definite ends to accomplish; my personal character and private life were always above reproach; and my integrity was never questioned, save by a few slanderers, who merely asserted without attempting to prove. There is just enough similarity between Blease and TILLMAN to deceive the ignorant and furnish a bludgeon to the vicious.

#### BLEASE AND SENATE.

"I do not believe Gov. Blease ought to be sent to the United States Senate, because he is not worthy of the honor; and so believing, I would be recreant to the people of South Carolina if I did not say so. But do not misunderstand me. I speak as a citizen merely, and I fully realize and recognize the right of the humblest man in South Carolina to differ with me. A man's ballot is his own, and no other man has a right to criticize him for using it as he chooses.

"I am too near the grave to tell any lies, if I ever had the inclination to do so. I have nothing to gain by speaking; hence there is no selfishness in my utterance. But I love the State which has honored me so long and in such a marked degree, and I want to warn our people—those who will listen to me—before it is too late. I repeat, there is absolutely no element of personality or selfishness in it. All my ambitions—and I thank God they were all worthy ones—have been satisfied. Therefore I speak, as it were, from a mountain top, looking down upon my fellows who in a few years must follow me to the grave. If ever a man's utterances ought to cause the people to pause and listen and think, mine should. For all essential purposes I speak as one who is dead. If I allowed selfishness to influence me, I would quietly work to have Blease sent here, because there is nothing more certain than this: While Woodrow Wilson is President, Blease will get no recognition in the way of patronage whatever. I have had little or none, but I would have it all hereafter with Blease as a colleague. If a Republican should follow Wilson, Blease might in a way duplicate or repeat my attitude toward Cleveland, who did not recognize the Tillmanites in South Carolina as Democrats at all. If the unhappy difference among our people in South Carolina shall continue and Bleaselsm becomes the dominant factor in the State, Blease might in time play the rôle of Mahone in Virginia. All signs, however, point to the triumphant reelection of President Wilson and the continuation of the Democratic Party in power.

#### ONE STRIKING THING.

"There is one striking thing about Gov. Blease as a leader and a statesman to be very seriously considered. It seems to have been lost sight of up to this time. He has been in public life since 1890. He came to the front the same year I did. If he is such a great leader now, more worthy to be followed than TILLMAN, more worthy of admiration and trust, how has he succeeded all these years in hiding it? What has he ever done in a constructive way to benefit the people of South Carolina? Let those who are his sponsors answer. I have demonstrated my statesmanship and ability to lead in a dozen ways. Without even mentioning what I have done in Washington as a Senator, I have many monuments in South Carolina—Clemson and Winthrop in an educational way; the constitutional convention, which relieved the people of the State of the menace of negro domination by the organic law under which we live; the primary system of choosing candidates; and the despised and slandered dispensary, which only failed because the corrupt politicians in the legislature got hold of it and the anti-Tillmanites urged them on to destroy it. But in spite of all their machination and cunning it still survives locally in many counties. All these are largely my handwork. In God's name, let

those who were formerly Tillmanites, but now Blease shouters, show what Blease has done of a similar character. They can not do it, and they owe it to themselves to pause and analyze things and recover their reason—if they can. They can undo some of the wrongs they have perpetrated and restore the State's good name, which Blease has made a byword and a hissing. The 25th of August will tell the story, and I watch the result with confidence.

"B. R. TILLMAN."

#### MILITARY ACADEMY APPROPRIATIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes, which had been reported from the Committee on Military Affairs with amendments.

Mr. SMOOT. Mr. President, there are a number of Senators absent who, I think, are interested in some of the items to be considered in the pending bill. I therefore suggest the absence of a quorum in order that they may be present.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Culberson	Lodge	Smith, Md.
Bankhead	du Pont	McLean	Smith, Mich.
Brady	Fall	Martine, N. J.	Smoot
Bristow	Fletcher	Nelson	Sterling
Bryan	Gallinger	Norris	Stone
Burleigh	Gronna	O'Gorman	Thomas
Burton	Hitchcock	Overman	Thompson
Camden	Jones	Page	Vardaman
Catron	Kenyon	Perkins	Warren
Chamberlain	Kern	Polindexter	Weeks
Chilton	La Follette	Shafroth	White
Clark, Wyo.	Lane	Sheppard	Works
Clarke, Ark.	Lea, Tenn.	Sherman	
Coit	Lee, Md.	Shields	
Crawford	Lippitt	Simmons	

Mr. KERN. I desire to announce the unavoidable absence of my colleague [Mr. SHIVELY]. This announcement may stand for the day. I also desire to announce the unavoidable absence of the senior Senator from Mississippi [Mr. WILLIAMS], who is detained at his home on account of illness.

Mr. MARTINE of New Jersey. I desire to announce the unavoidable absence, owing to illness in his family, of my colleague, the Senator from New Jersey [Mr. HUGHES].

Mr. LIPPITT. I have been requested by the members of the Committee on Interstate Commerce to say that that committee is in session, engaged on important business, and that a large number of the members of the committee are attending that session.

Mr. SMOOT. I desire to announce the unavoidable absence of my colleague [Mr. SUTHERLAND]. He has a general pair with the senior Senator from Arkansas [Mr. CLARKE]. I will ask that this announcement stand for the day.

I also desire to announce that the Senator from West Virginia [Mr. GOFF] and the Senator from Connecticut [Mr. BRANDEGEE] are also unavoidably absent from the Senate, and that they are paired, respectively, with the Senator from South Carolina [Mr. TILLMAN] and the Senator from New Jersey [Mr. MARTINE].

The VICE PRESIDENT. Fifty-seven Senators have answered to the roll call. There is a quorum present.

Mr. CHAMBERLAIN. I ask unanimous consent that the formal reading of the bill be dispensed with and that it be read for amendment, the committee amendments to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and that will be the order.

The first amendment reported by the Committee on Military Affairs was, under the subhead "Permanent establishment," on page 2, line 5, after the word "cadets," to strike out "\$390,000" and insert "\$420,000," so as to make the clause read:

For pay of cadets, \$420,000, \$10,000 of which is made immediately available.

The amendment was agreed to.

The next amendment was, on page 4, line 9, after the word "service," to insert "detachment," so as to make the clause read:

For pay of general Army service detachment: One first sergeant, \$540.

The amendment was agreed to.

The next amendment was, on page 5, line 19, after the word "mechanics," to strike out "\$1,800" and insert "\$1,080," so as to make the clause read:

Four mechanics, \$1,080.

Mr. SMOOT. Mr. President, I want to call the attention of the chairman of the committee having the bill in charge to appropriations provided for on pages 4 and 5 of the bill. For instance, there is this provision:

For pay of general Army service detachment: One first sergeant, \$540; Eight sergeants, \$2,880.

In all of the other appropriation bills, particularly those that are reported by the Committee on Appropriations, that would read "eight sergeants, \$2,280 each."

Mr. CHAMBERLAIN. Oh, no; that \$2,280 pays all the sergeants.

Mr. SMOOT. Then there is the further provision:

Two trumpeters, \$360.

That is on page 5. Does that mean that they get \$180 each?

Mr. CHAMBERLAIN. Yes, sir. The pay is small.

Mr. SMOOT. The next item is:

Three horseshoers, \$1,080.

Does that mean that three horseshoers shall be hired at \$1,080 each?

Mr. CHAMBERLAIN. That covers the pay of all of them.

Mr. SMOOT. Is it possible they can hire horseshoers for \$360 a year?

Mr. CHAMBERLAIN. Whether they can or not, they seem to get along in some way with it, I will say to the Senator, and that is true with reference to the item "eight sergeants, \$2,280." That means that the eight sergeants get that amount. It is the pay of the combined group.

Mr. SMOOT. If it is understood that that is the total appropriation to pay all of the eight sergeants, I presume it is all right.

Mr. DU PONT. Mr. President, I will say to the Senator from Utah that these horseshoers are enlisted men. I will also say that the appropriations for the Military Academy have always been carried precisely in this way every year, so far as I have had any knowledge of them.

Mr. SMOOT. It is all right, if it is understood that the amount named is the pay for the group of sergeants or corporals, as the case may be.

Mr. SMITH of Georgia. Mr. President—

The VICE PRESIDENT. Does the Senator from Oregon yield to the Senator from Georgia?

Mr. CHAMBERLAIN. I yield.

Mr. SMITH of Georgia. I desire to give notice of a motion to reconsider the action of the Senate in agreeing to the conference report on the seamen's bill.

Mr. CHAMBERLAIN. I do not yield for that purpose.

The VICE PRESIDENT. The Senator from Oregon does not yield for that purpose.

Mr. CHAMBERLAIN. No; I supposed the Senator was going to address himself to this bill.

Mr. SMITH of Georgia. Mr. President, I think I ought to have the privilege of giving such a notice, so as to prevent the action of the Senate from going over to the House.

Mr. CHAMBERLAIN. I decline to yield for that purpose.

The VICE PRESIDENT. It can only be done by unanimous consent under the rules of the Senate.

Mr. CHAMBERLAIN. I insist on proceeding with the consideration of the Military Academy bill. There will be plenty of time for the Senator from Georgia.

Mr. LODGE. The Senator from Georgia can not be shut off in that way.

Mr. GALLINGER. The Senator can not be shut off from giving notice to move a reconsideration.

Mr. CHAMBERLAIN. I understood the Senator was intending to make an address.

Mr. SMITH of Georgia. Not at all; I want to give a notice that will prevent the action of the Senate from passing out of the control of the Senate. I had understood that a Senator had begun a speech on the conference report of the seamen's bill, and I understood also that there was to be another elaborate speech. I was called downstairs to give my testimony in relation to a case that is pending in New York City, which I thought would occupy me 10 minutes, and I would then return. I am very much interested in the seamen's bill, and very much opposed to it.

Mr. KERN. Mr. President, I only desire to submit the proposition that a notice of a motion to reconsider can hardly be given by a Senator who did not vote in the affirmative.

Mr. GALLINGER. There was no recorded vote.

Mr. CHAMBERLAIN. Mr. President, I insist that I have the floor.

Mr. VARDAMAN. Regular order!

The VICE PRESIDENT. The Senator from Oregon has the floor. There is going to be no change in the ruling of the Chair until it is reversed by the Senate of the United States. The ruling has been complied with here for weeks and weeks that a Senator having the floor can only yield for the purpose of a question unless by unanimous consent. There is objection, and the Chair is going to stand by the ruling.

Mr. CHAMBERLAIN. Mr. President, let me say here that I do not want to interfere with the giving of a notice, but it would lead to the discussion of a parliamentary question, and that means all day. That is the objection I have to it. If the Senator will content himself with giving the notice, I will be glad to have him do so.

The VICE PRESIDENT. There was an objection by the Senator from Indiana [Mr. KERN]. The unfinished business is before the Senate.

Mr. CHAMBERLAIN. Yes, sir.

The VICE PRESIDENT. And nothing else is in order unless by unanimous consent. There was objection by the Senator from Indiana; that is the trouble about it.

Mr. CHAMBERLAIN. Now, Mr. President, addressing myself to the question raised by the Senator from Utah [Mr. SMOOT], I desire to say that the estimates will show that these several amounts, which he thinks ought to be separated, are grouped together because they are for enlisted men, and their pay is small in each case.

Mr. GALLINGER. Mr. President—

Mr. SMITH of Georgia. Mr. President—

The VICE PRESIDENT. The Senator from New Hampshire. Mr. GALLINGER. Addressing myself to that matter, I want to say that I had some notes on my desk and had intended to address myself to the seamen's bill. My daughter called me out for a moment, and while I was out the bill was passed; I do not know how. I hope it will come up in some form hereafter.

#### THE SEAMEN'S BILL—CONFERENCE REPORT.

Mr. SMITH of Georgia. Mr. President—

The VICE PRESIDENT. The Senator from Georgia.

Mr. SMITH of Georgia. I think the Senate should have a right to reconsider that action. If necessary, I think we should temporarily displace this appropriation bill and give an opportunity for a motion to reconsider. I know there were a number of Senators who had intended to speak against this measure. I had understood that there were two or three speeches to be made. I said to a Senator that I was called downstairs to give my testimony in a case pending in New York City that would take but a few minutes, and I supposed it would be perfectly safe for me to leave.

I now move, Mr. President, that the unfinished business be temporarily laid aside, that a motion may be made to reconsider the action of the Senate on the seamen's bill.

Mr. ASHURST. Mr. President, I move to lay that motion on the table.

Mr. CHAMBERLAIN. Mr. President, I rise to a point of order.

The VICE PRESIDENT. The Senator from Oregon will state his point of order.

Mr. CHAMBERLAIN. That is, that this motion is not in order now during the pendency of the unfinished business.

The VICE PRESIDENT. The Chair sustains the point of order.

Mr. SMITH of Georgia. Does the Chair hold that we can not lay aside a pending measure?

The VICE PRESIDENT. No; the Chair holds no such thing. The Chair holds that if a Senator wants to lay it aside he must make a motion to take up something else, which the Senator from Georgia is not proposing to do.

Mr. FLETCHER. Regular order!

Mr. SMITH of Georgia. Then, Mr. President, having the floor, I desire to give some of the views I have as to why the seamen's bill should not have been passed.

Mr. KERN. Mr. President, a point of order.

The VICE PRESIDENT. The Senator from Indiana will state his point of order.

Mr. KERN. There is no motion before the Senate to which the Senator can address himself.

The VICE PRESIDENT. There is a bill before the Senate, and the Senator has a right to address himself to that. There is no doubt about that. A Senator can talk about anything here in the United States Senate except the matter under consideration.

Mr. KERN. I submit that he must pretend, at least, to address himself to the question before the Senate. My point is that where a Senator announces that he proposes to discuss a question that is not before the Senate he is not in order.

The VICE PRESIDENT. The rule as the Chair stated it has been the rule since the foundation of the Senate.

Mr. FLETCHER. I make the further point of order that the Senator announces that he proposes to address the Senate and present an argument as to why a bill which has been passed should not have been passed, and I submit that that is not in order at any time.

The VICE PRESIDENT. The Senate of the United States never discusses the subject in hand, and the Senator from Georgia has a perfect right to the floor.

Mr. SMITH of Georgia. Mr. President—

Mr. ASHURST. Mr. President, will the Senator from Georgia yield to me to enable me to make a brief statement?

Mr. SMITH of Georgia. If I do not lose my place on the floor; but I will not yield in any way to lose my position, and I believe that under the rulings I would lose it if I yielded to anything except a question.

Mr. ASHURST. Very well; I will ask a question. I wish to ask if the rule of common courtesy, that by tradition adheres to and inheres in the Senate, is going to be dispensed with? And in supplementing my question it is necessary to make a statement:

I gave notice some days ago that I desired to proceed to the consideration of the Indian appropriation bill. Three distinguished Senators in charge of various bills appealed to me not to press the Indian appropriation bill, and feeling that by reason of their priority of service in the Senate I ought in some measure to yield, I yielded and did not make the motion. Last night, by common consent in this Chamber, which no one will deny, it was understood that the Indian appropriation bill was to follow the Diplomatic and Consular bill. When the time came for me to make the appropriate motion, Senators on both sides of the Chamber appealed to me not to impinge the Indian appropriation bill in front of the seamen's bill; and the distinguished Senator from Florida [Mr. FLETCHER], the distinguished Senator from Wisconsin [Mr. LA FOLLETTE], and other Senators who are not leaders and who do not want to be leaders, assured me that so soon as—

Mr. LODGE. Mr. President, I should like to ask a question. Does the Senator mean to say that there was unanimous consent as to any of these bills?

Mr. ASHURST. Mr. President, my distinguished and learned friend, the Senator from Massachusetts, must have been out of the Chamber a moment ago. I did not say there was an agreement by unanimous consent, but I said that by common report or common fame in the Senate it was known that I was to be next in pressing the Indian appropriation bill.

Mr. LODGE. No notice was given and no unanimous consent.

Mr. ASHURST. Oh, yes; notice was given. Notice was given in the open Senate and Senators were told privately.

Mr. LODGE. But a notice binds no one.

Mr. SMITH of Georgia. Mr. President—

Mr. ASHURST. There may be Senators whom notices do not bind, but there are Senators whom notices and courtesies do bind. Now, we would like to hear the speech of our distinguished friend, the learned Senator from Georgia; but it is addressed to a subject that is concluded; it is going to be addressed to a bill the Senate has passed, and I hope that we may proceed to the consideration of the Indian bill at some time during this day.

Mr. SMITH of Georgia. Mr. President, I sympathize with the desire of the Senator from Arizona to proceed with the Indian bill. I personally know that he has been most courteous in yielding upon this subject to other measures. He has been courteous to me with reference to it. I do not think the seamen's bill ought to have been taken up ahead of the appropriations bill.

Now, it is not my purpose to waste the time of the Senate. I think we ought to have an opportunity to move to reconsider that action. I think the bill ought to be kept in the Senate until we have the opportunity to secure a yeas-and-nays vote on a motion to reconsider the vote on the seamen's bill. It is because I desire to stop the seamen's bill, if possible, that I am addressing the Senate.

The VICE PRESIDENT. The Chair will state, for the information of the Senator from Georgia, that he interrupted the Senator from Oregon before, when he had no right to interrupt him, without his consent, for any other purpose than a question; but having the floor now, the Senator can make his motion if he wants to.

Mr. SMITH of Georgia. I move, then, that the Senate reconsider its action with reference to the seamen's bill.

Mr. ASHURST. Mr. President, a point of order.

Mr. LA FOLLETTE. Mr. President—

Mr. SMITH of Georgia. And before I yield the floor I desire to present some views in support of that motion.

Mr. LA FOLLETTE. Mr. President—

Mr. MARTINE of New Jersey. I move to lay that motion on the table.

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Wisconsin?

Mr. SMITH of Georgia. I do not.

Mr. LA FOLLETTE. I insist that no Senator can make such a motion and hold the floor. When the motion is made it is proper to have it stated to the Senate. That takes the Senator off the floor, and a motion then to lay on the table is in order.

The VICE PRESIDENT. If the Senator from Wisconsin insists upon the motion of the Senator from Georgia being reduced to writing, it must be reduced to writing.

Mr. VARDAMAN. Mr. President, a point of order.

Mr. LA FOLLETTE. I insist that no Senator can make such a motion and hold the floor after it is made.

Mr. FLETCHER. I ask that the motion may be reduced to writing.

The VICE PRESIDENT. The request—

Mr. SMITH of Georgia. Then I will reduce it to writing in due time, and I will proceed with what I desire to say in support of it before I send it to the desk.

Mr. VARDAMAN. A point of order, Mr. President.

Mr. LA FOLLETTE. I demand the regular order.

Mr. VARDAMAN. A point of order.

The VICE PRESIDENT. The Senator from Mississippi will state it.

Mr. VARDAMAN. The Senator can not make that motion as long as the Military Academy bill is before the Senate. In order that he may make that motion, it is necessary to displace the bill now before the Senate.

Mr. DU PONT. Mr. President—

The VICE PRESIDENT. The Chair's mind is pretty clear on this question now. There is no doubt about these propositions, to the Chair's satisfaction, at least:

First, that when a Senator has the floor, he has the right to say that he will not yield to any other Senator except for the purposes of a question. It was upon that ground that the Chair ruled originally, that the motion of the Senator from Georgia was not in order. The Chair has no doubt, however, that when a Senator does get the floor he has a right to move for a reconsideration of a vote, which practically amounts to displacing the unfinished business if it be carried. In accordance with the former rulings of other presiding officers, however, and in accordance with the rules of the Senate, the Senator from Georgia will be compelled, upon request, which has been made, to reduce his motion to writing, have it presented, and read by the Secretary, and he loses his right to the floor when that is done. But if it be not presented, in accordance with a custom which the Chair, with due courtesy to the Senate, would say should be more honored in the breach than in the observance thereof, the Senate of the United States permits a Senator to talk upon any question, whether it be germane to the pending measure or not. So that the Senator from Georgia, in accordance with the rulings of the Senate, has a perfect right, on the Military Academy bill, to talk about anything he wants to.

Mr. SMITH of Georgia. Mr. President, I regret exceedingly that for a few moments I was out of the Chamber and that a vote upon the seamen's bill was had during my temporary absence. There is much in that bill that commends itself to me. There is much in the bill that I would be glad to support; but I can give in a very few words reasons that make it impossible for me to support and cause me earnestly to desire to defeat the measure as it is now presented.

I would call attention to two of them. It is the interference with the admission of foreign vessels to our harbors, the interference that it will cause to that part of our commerce which depends upon the tramp steamer, that leads me to fear the consequences of this bill. Of our three billion seven hundred and fifty millions of transoceanic commerce, 85 per cent, I understand, is carried by tramp steamers. It is carried by vessels not owned by citizens of the United States. The vessels of all the world handle this business for our people. My own immediate section is absolutely dependent to-day upon vessels of that character to carry cotton to foreign consumers. The paralysis of the price of our cotton during October, November, and part of December was to a large extent due to the entire absence of any transportation for cotton to foreign ports. If we strike a blow at those foreign vessels, if we strike a blow at the service that is being rendered by those vessels doing our transoceanic commerce, we will affect the laboring people of this entire country by the blow. We will affect the farmer in the sale of his products. We will affect the manufacturer in the sale of his products.

I yield to no man in my desire to help develop and improve the status of the laboring men of this country; but I will not be carried away by a proposition such as this bill contains which, in the interest of the laboring man upon the ocean, in my judg-

ment, strikes a blow at every laboring man upon a farm in the United States, at the laboring men upon our trains, at all the laboring men of the United States whose occupations rest in large part upon the transportation of the products of this country to foreign consumers.

While we are undertaking to regulate the conduct of our own vessels, let us remember that there are but few of them engaged in transoceanic trade. If this bill stopped with the regulation of domestic vessels, I would have nothing to say; but it undertakes to place all the regulations with which we surround our own vessels upon every vessel that comes into our harbors—not only passenger vessels but freight vessels coming to carry our products across the ocean. I fear, I believe, that this measure is calculated to cut off from our harbors the vessels so necessary to carry our products to foreign consumers. Let me illustrate by referring to only two of its provisions.

Let us take section 4. Section 4 concludes with the statement:

That this section shall apply to seamen on foreign vessels while in harbors of the United States, and the courts of the United States shall be open to such seamen for its enforcement.

That section sets aside the contract made between the owner of the vessel and the men who work on it. If the owner of a tramp steamer at Genoa, Italy, or at some point in Norway or Sweden or in Holland, employs his crew for a trip to Norfolk or Galveston or Boston and return, that section breaks the contract that the owner of the vessel has made with his crew when they enter an American port. It puts new regulations upon his men. It imposes new regulations as to what character of men can handle his vessel.

Mr. FLETCHER. Mr. President, may I interrupt the Senator to inquire if he is addressing himself to the merits of the bill which has been passed with the idea of making a motion to reconsider that vote? Is that the Senator's position? If so, I will ask the Senator if it is not a fact, judging from his remarks already, that he would not have voted with the prevailing side in the adoption of that report if he had been in the Senate Chamber? Is not that true?

Mr. SMITH of Georgia. I answer the Senator that if there had been no yeas-and-nays vote, no matter which way I voted, I could have moved to reconsider, under the rules of the Senate.

Mr. FLETCHER. I call the Senator's attention to Rule—

Mr. SMITH of Georgia. I do not yield to the Senator.

Mr. FLETCHER. Then I make the point of order that the Senator can not move to reconsider, because he did not vote with the prevailing side.

Mr. SMITH of Georgia. When I present the motion I shall be ready to meet the Senator on that proposition.

Mr. FLETCHER. The Senator announced that he was not in the Senate Chamber, and his argument shows that he would not have voted with the prevailing side if he had been in the Senate Chamber. Consequently, he is not in a position to make any such motion, and I make the point of order that he can not make that motion.

The VICE PRESIDENT. It has been decided a number of times that when there is no yeas-and-nays vote anybody can move to reconsider.

Mr. SMITH of Georgia. Now, Mr. President and Senators, I beg you to listen. I beg you not to be swept away by this bill, but to realize what you are doing to your constituents.

This section 4 breaks the contract between owners of foreign vessels and members of their crews and relieves the crew from any contract to return with the vessel. It relieves them from the obligation of their contracts and enforces payment of full wages up to the time they quit. So, if a Norwegian, Swedish, Holland, Italian, or Spanish vessel leaves a harbor of one of these countries and comes across with a crew that has been employed to make the round trip, the contract is over when the American port is entered, and the owner of the vessel must secure a crew under the contract prescribed by this bill before his vessel can sail.

What further does it do? It prescribes the terms on which that vessel can employ the new crew going out of the port; it prescribes in detail who can serve; it prescribes the equipment of the vessel, with limitation after limitation upon the vessel.

Now, Senators, suppose a vessel should come into the port of Galveston from Norway with a crew under contract to sail to Galveston and back to Norway. The contract is broken when it goes into Galveston. The owner of the vessel must obtain a new crew under the terms of this bill. Who guarantees that the men will be at the port to be employed, with the qualifications required by the bill? What assurance has the owner of such a vessel that such a crew can be employed? We undertake to regulate that vessel. What careful business man would wish to take his vessel into a port under such circumstances? Are

we not driving them off? Are we not about to pass a bill which would prevent our transoceanic shipment from being carried by vessels foreign owned? Will not the regulations and restrictions placed upon them when they come inside of an American port make their owners afraid to come?

I would be glad to see every possible advancement for all these men, but I am unwilling to see a regulation placed upon the vessels that we require to-day to carry our products to foreign consumers so shaped, so devised, as to prevent us from having carriage. Who is to secure transportation for our flour and our other agricultural products of the Middle West?

I state frankly what concerns me most is to secure the transportation of the cotton of my constituents. I will be candid about it. I am more interested in taking their cotton to market than I am in any other one thing of a business character. By this bill we strike a blow at the cotton farmer. We put the owners of foreign freight steamers in a position where probably they will not dare serve us. We may destroy the only means we have of shipping cotton, grain, and other farm products abroad.

I voted for the shipping bill. I voted for the United States to put \$40,000,000 into a shipping company. I voted for it and will continue to vote for it even though it had in it things that I did not like, and I understand it is coming back here with things which I like less, but I would rather take the chances in the future of getting rid of permanent operation than to fall during this crisis to have transportation for the products of this country to foreign consumers.

When we realize that we sold last year \$2,750,000,000 of our products to foreign consumers, when we realize that the paralysis of that commerce would absolutely paralyze the whole business of the country and carry want into the homes of most of the humble and poorer classes of the country, when we realize the harm that would come from the loss of transportation of products to foreign consumers, how can we afford to vote for this measure? Even if we had passed the shipping bill we would still be compelled to rely in large part upon the tramp steamers for transportation. Yet we are asked to add these restrictions upon foreign vessels, these extreme limitations, these limitations as to their crews that will require them to obtain new crews when they come into one of our ports before they can go out with our products. We are asked to make it impossible for them to sail from across the ocean with a crew employed to come here and go back.

What is going to happen to our transportation facilities upon which we must rely to carry our products abroad for consumption and what will happen to our communities when their opportunity for transportation is taken from them?

I say, again, there may be many splendid features in this bill. I say, further, that I would be glad to see many of these features extended to the vessels of the world by common agreement; but to undertake in this way to force them on every vessel that comes into our harbors is to force those vessels out of our harbors to a great extent. It is to put them in a shape where they can not afford to come into our harbors if they can get business anywhere else; and now, while we have already been shown the difficulties of transportation which confront us, I simply feel a sense of dread as to the consequences which will follow this measure.

Mr. President, as I said, I do not desire to detain the Senate. I send the following to the Secretary's desk.

The VICE PRESIDENT. The Secretary will read it.

The SECRETARY. The Senator from Georgia [Mr. SMITH]:

I move to reconsider the vote by which the Senate agreed to the conference report on Senate bill 136, "An act to promote the welfare of American seamen and the merchant marine of the United States, to abolish arrest and imprisonment as a penalty for desertion, and to secure the abrogation of treaty provisions in relation thereto, and to promote safety at sea," and that the House be requested to return said bill to the Senate.

Mr. LA FOLLETTE. Mr. President—

Mr. SMITH of Georgia. I suggest the absence of a quorum.

Mr. LA FOLLETTE. Does the Senator from Georgia suggest the absence of a quorum?

Mr. SMITH of Georgia (to Mr. LA FOLLETTE). You have the floor.

Mr. LA FOLLETTE. Mr. President, I am reluctant in the present condition of the public business to take one moment that is needed for the consideration of other important legislation to debate the question whether the report should be reconsidered.

The VICE PRESIDENT. The Senator from Georgia suggested the absence of a quorum. The Chair thought the Senator took the floor for another purpose.

Mr. LA FOLLETTE. I understood the Senator from Georgia to withdraw the suggestion.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Fall	Myers	Smith, Ariz.
Bankhead	Fletcher	Nelson	Smith, Ga.
Bryan	Gallinger	Norris	Smith, Md.
Burleigh	Gore	O'Gorman	Smith, Mich.
Burton	Gronna	Oliver	Smoot
Camden	Hitchcock	Overman	Stephenson
Catron	Johnson	Page	Sterling
Chamberlain	Jones	Perkins	Stone
Chilton	Kenyon	Pittman	Swanson
Clapp	Kern	Poindexter	Thompson
Clark, Wyo.	La Follette	Ransdell	Tillman
Clarke, Ark.	Lane	Robinson	Townsend
Colt	Lea, Tenn.	Sausbury	Weeks
Crawford	Lee, Md.	Shafroth	White
Culberson	Lewis	Sheppard	Works
Cummins	Lippitt	Sherman	
Dillingham	Lodge	Shields	
du Pont	Martine, N. J.	Simmons	

Mr. RANDELL. The senior Senator from Louisiana [Mr. THORNTON] is absent on account of sickness. I ask that this announcement may stand for the day.

Mr. MARTINE of New Jersey. I desire to announce the absence of my colleague [Mr. HUGHES] on account of illness in his family. I ask that this announcement may stand for the day.

The VICE PRESIDENT. Sixty-nine Senators have answered to the roll call. There is a quorum present.

Mr. SMITH of Georgia. I rise to a parliamentary inquiry. Is the bill still in the Senate, or has it been sent to the House?

The VICE PRESIDENT. It is here.

Mr. SMITH of Georgia. Then I wish to withdraw that part of my resolution which asks that it be returned from the House.

The VICE PRESIDENT. That has been done. The Chair ordered it withdrawn.

Mr. LA FOLLETTE. Mr. President, I do not purpose to take but a few minutes of the time of the Senate. The discussion last evening and this morning—the observations of the Senator from Massachusetts [Mr. LODGE], the Senator from New York [Mr. ROOT], the Senator from Ohio [Mr. BURTON], and the Senator from Georgia [Mr. SMITH]—proceeded upon the assumption that this proposed legislation, in so far as it applies to foreign vessels, is unprecedented and is not enforceable because it interferes with contracts made abroad by foreign vessels with foreign seamen.

Mr. President, I wish to say that the provisions of this bill, with regard to the application of certain of its provisions to foreign vessels, are taken almost word for word from the existing statute passed in 1898, which applies to foreign vessels sailing from ports of the United States to ports of the West Indies, Mexico, and Canada. The act of 1898 provides, just as this bill provides, that there shall be no allotment or advance made in wages to seamen, and that if allotments or advances are made the seamen shall be entitled to recover the full amount of wages earned, regardless of any allotment or advance that may have been paid. Then there follows this provision:

(f) That this section shall apply as well to foreign vessels as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for a similar violation: *Provided*, That treaties in force between the United States and foreign nations do not conflict.

The provision of the bill covering this same subject is as follows:

(e) That this section shall apply as well to foreign vessels while in waters of the United States as to vessels of the United States; and any master, owner, consignee, or agent of any foreign vessel who has violated its provisions shall be liable to the same penalty that the master, owner, or agent of a vessel of the United States would be for similar violation. The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance, and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

This bill provides, as to conflicting provisions in our treaties, that the President shall give the required notice to foreign countries, and ample time shall be allowed for an adjustment by negotiations, so that the countries affected shall be brought into harmony with regard to these new provisions.

Furthermore, Mr. President, the bill introduced by the Senator from Ohio in 1913 contains this provision with respect to prohibiting advances or allotments in, I think, almost precisely the language of this bill. I have that bill before me. With respect to foreign vessels it provides:

The master, owner, consignee, or agent of any foreign vessel seeking clearance from a port of the United States shall present his shipping articles at the office of clearance, and the collector of customs may, upon reasonable evidence that the provisions of this section have not been complied with, refuse to grant clearance to such vessel.

Now, Mr. President, the validity of those provisions was questioned after the enactment of the law of 1898. The bark *Eudora*, a British vessel, violated the provisions of the act by paying advances to the seamen. The case went to the Supreme Court of the United States, and the provisions of the act of 1898 prohibiting the payment of advance, even by foreign vessels, were sustained. I will not take the time to read the entire opinion to the Senate, but ask that I may have leave to print in the RECORD the statement of the issues involved in the case and the entire opinion following, which was delivered by the late Justice Brewer.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. SMITH of Georgia. Mr. President, I should like to hear such parts as are important now.

The VICE PRESIDENT. Does the Senator from Georgia object?

Mr. SMITH of Georgia. Yes.

Mr. LA FOLLETTE. Mr. President, I shall be forced, then, to take a few moments to present some extracts from the opinion to the Senate.

Mr. ASHURST. Will the Senator yield to me?

Mr. LA FOLLETTE. For a question.

Mr. ASHURST. I appeal to the Senator from Georgia to withdraw his objection.

Mr. SMITH of Georgia. Mr. President, I think it important that we should know. I regard this as legislation, if I comprehend it, that threatens seriously the people whom I represent. I am afraid it is a terrible blow to their chief industry that has already been severely injured, and it is so serious—

Mr. LA FOLLETTE. Mr. President, I do not yield to be taken off the floor.

The VICE PRESIDENT. The Senator from Wisconsin has the floor.

Mr. LA FOLLETTE. I think there is enough in the paragraphs of the opinion which I will read to present the issue to the Senate, so that I do not need to read the statement of the court as to the facts of the case.

It is a case that was certified up from the circuit court to the Supreme Court, and the questions certified up for the opinion of the court were:

First. Is the act of Congress of December 21, 1898, properly applicable to the contract in this case?

Second. Under the agreed statement of facts above set forth, upon a libel filed by said seamen, after the completion of the voyage, against the British vessel to recover wages which were not due to them under the terms of their contract or under the law of Great Britain, were the libellants entitled to a decree against the vessel?

That is, an advance of \$20 had been made at the time these men shipped on board of this foreign vessel. There was no provision in the contract that they should have a right to recover regardless of the fact that the advance had been paid, and yet the law 1898 provided specifically that they should be entitled to recover the full amount earned regardless of any advance paid, and the reason for that rule is stated in this opinion:

Mr. Justice Brewer, after making the statement, delivered the opinion of the court. He said:

"Applying the ordinary rules of construction, it does not seem to us doubtful that the act of Congress, if within its power, is applicable in this case. The act makes it unlawful to pay any seaman wages in advance, makes such payment a misdemeanor, and in terms provides that such payment shall not absolve the vessel or its master or owner for full payment of wages after the same shall have been actually earned; and, further, it declares that the section making these provisions shall apply as well to foreign vessels as to vessels of the United States, provided that treaties in force between the United States and foreign nations do not conflict. \* \* \* When, as here, the statute declares in plain words its intent in reference to a prepayment of seamen's wages, and follows that declaration with a further statement that the rule thus announced shall apply to foreign vessels as well as to vessels of the United States, it would do violence to language to say that it was not applicable to a foreign vessel."

That is the language of the opinion. It continues:

"But the main contention is that the statute is beyond the power of Congress to enact, especially as applicable to foreign vessels."

That was the contention urged last night by the Senator from Massachusetts [Mr. LODGE] and the Senator from New York [Mr. ROOR]. The court said:

It is urged that it invades the liberty of contract which is guaranteed by the fourteenth amendment to the Federal Constitution, and reference is made to *Allgeyer v. Louisiana* (165 U. S., 578, 589), in which we said—

Then it quotes from that opinion with regard to the interference of contract, and I ask to have that printed as a part of my remarks without reading.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

The liberty mentioned in that amendment means not only the right of the citizen to be free from the mere physical restraint of his person, as by incarceration, but the term is deemed to embrace the right of the citizen to be free in the enjoyment of all his faculties; to be free to use

them in all lawful ways; to live and work where he will; to earn his livelihood by any lawful calling; to pursue any livelihood or avocation, and for that purpose to enter into all contracts which may be proper, necessary, and essential to his carrying out to a successful conclusion the purposes above mentioned.

Mr. LA FOLLETTE. I read again from the opinion:

Further, that even if the contract be one subject to restraint under the police power, that power is vested in the States—

That is a further opinion which was advanced by those arguing against the validity of this law. Now mark what the court says upon this point:

That, even if the contract be one subject to restraint under the police power, that power is vested in the States and not in the General Government, and any restraint, if exercised at all, can only be exercised by the State in which the contract is entered into; that the only jurisdiction possessed by Congress in respect to such matters is by virtue of its power to regulate commerce, interstate and foreign; that the regulation of commerce does not carry with it the power of controlling contracts of employment by those engaged in such service any more than it includes the power to regulate contracts for service on interstate railroads or for the manufacture of goods which may be intended for interstate or foreign commerce; and, finally, that the validity of a contract is to be determined by the law of the place of performance and not by that of the place of the contract; that the contract in this case was one entered into in the United States, to be performed on board a British vessel, which is undoubtedly British territory, and therefore its validity is to be determined by British law, and that, as conceded in the question, sustains its validity.

Mr. President, I do not wish to consume the time of the Senate in reading this entire opinion, but I will read such portions of it as meet the questions which have been raised. Mr. Justice Brewer and the court say:

We are unable to yield our assent to this contention. That there is, generally speaking, a liberty of contract which is protected by the fourteenth amendment may be conceded, yet such liberty does not extend to all contracts. As said in *Frisbie v. United States* (157 U. S., 160, 165):

"While it may be conceded that, generally speaking, among the inalienable rights of the citizen is that of the liberty of contract, yet such liberty is not absolute and universal. It is within the undoubted power of government to restrain some individuals from all contracts, as well as all individuals from some contracts. It may deny to all the right to contract for the purchase or sale of lottery tickets; to the minor the right to assume any obligations, except for the necessities of existence; to the common carrier the power to make any contract releasing himself from negligence, and, indeed, may restrain all engaged in any employment from any contract in the course of that employment which is against public policy. The possession of this power by government in no manner conflicts with the proposition that, generally speaking, every citizen has a right freely to contract for the price of his labor, services, or property."

And that the contract of a sailor for his services is subject to some restrictions was settled in *Robertson v. Baldwin* (165 U. S., 275), in which sections 4598 and 4599, Revised Statutes, in so far as they require seamen to carry out the contracts contained in their shipping articles, were held not to be in conflict with the thirteenth amendment, and in which a deprivation of personal liberty not warranted in respect to other employees was sustained as to sailors.

Mr. BURTON. Mr. President, will the Senator from Wisconsin yield for a question?

The VICE PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I do.

Mr. BURTON. We had some discussion last night about whether this provision as to allotments pertained to allotments made in foreign countries. Does the Senator from Wisconsin maintain that the bill as now drawn does forbid allotments made in foreign countries by foreign steamships, or is it restricted to allotments made in the United States?

Mr. LA FOLLETTE. Mr. President, while I have not in mind the exact language of the bill relating to that question I understand the bill limits its application to foreign ships while in the waters of the United States.

Mr. BURTON. At the top, I believe, of page 14—

Mr. LA FOLLETTE. I do not wish to be diverted at this time. I read again from this opinion, in which the court quoted as follows from the case of *Robertson against Baldwin*:

From the earliest historical period the contract of the sailor has been treated as an exceptional one, and involving, to a certain extent, the surrender of his personal liberty during the life of the contract. Indeed, the business of navigation could scarcely be carried on without some guaranty, beyond the ordinary civil remedies upon contract, that the sailor will not desert the ship at a critical moment or leave her at some place where seamen are impossible to be obtained—as Molloy forcibly expresses it, "to rot in her neglected brine." Such desertion might involve a long delay of the vessel while the master is seeking another crew, an abandonment of the voyage, and in some cases the safety of the ship itself. Hence the laws of nearly all maritime nations have made provision for securing criminal punishment for desertion or absence without leave during the life of the shipping articles.

With regard to that, Mr. President, no man stands on this floor at this time advocating the continuance of the involuntary servitude which the decision in the *Robertson* case enforced as against seamen. We have gone past that time. Mr. Justice Brewer says:

If the necessities of the public justify the enforcement of a sailor's contract by exceptional means, justice requires that the rights of the sailor be in like manner protected. The story of the wrongs done to sailors in the larger ports, not merely of this Nation but of the world,

is an oft-told tale, and many have been the efforts to protect them against such wrongs. One of the most common means of doing these wrongs is the advancement of wages. Bad men lure them into haunts of vice, advance a little money to continue their dissipation, and, having thus acquired a partial control and by liquor dulled their faculties, place them on board the vessel just ready to sail and most ready to return the advances. When once on shipboard and the ship at sea the sailor is powerless and no relief is availing. It was in order to stop this evil, to protect the sailor, and not to restrict him of his liberty, that this statute was passed. And while in some cases it may operate harshly, no one can doubt that the best interests of seamen as a class are preserved by such legislation.

Neither do we think there is in it any trespass on the rights of the States. No question is before us as to the applicability of the statute to contracts of sailors for services wholly within the State. We need not determine whether one who contracts to serve on a steamboat between New York and Albany or between any two places within the limits of a State can avail himself of the privileges of this legislation, for the services contracted for in this case were to be performed beyond the limits of any single State and in an ocean voyage. Contracts with sailors for their services are, as we have seen, exceptional in their character, and may be subjected to special restrictions for the purpose of securing the full and safe carrying on of commerce on the water, being so subject whenever the contract is for employment in commerce not wholly within the domain of Congress, which is charged with the duty of protecting foreign and interstate commerce.

Finally, while it has often been stated that that law of the place of performance determines the validity of a contract (*London Assurance v. Compania de Moagens*, 167 U. S., 149, 160), yet that doctrine does not control this case. It may be remarked in passing that it does not appear that the contract of shipment or the advance payments were made on board the vessel. On the contrary, the stipulated fact is that the "seamen were engaged in the presence of the British vice consul at the port of New York." The wrongful acts were, therefore, done on the territory and within the jurisdiction of the United States. It is undoubtedly true that for some purposes a foreign ship is treated as a foreign territory. As said by Mr. Justice Blackburn, in *Queen v. Anderson* (L. R. 1 Crown Cases Reserved, 161), "A ship which bears a nation's flag is to be treated as part of the territory of that nation. A ship is a kind of floating island." Yet when a foreign merchant vessel comes into our ports, like a foreign citizen coming into our territory, it subjects itself to the jurisdiction of this country. In *Schooner Exchange v. McFadden* (7 Cranch, 116, 136, 186), this court held that a public armed vessel in the service of a sovereign at peace with the United States is not within the ordinary jurisdiction of our tribunals while within a port of the United States. In the opinion of Chief Justice Marshall it was said that "the jurisdiction of the nation within its own territory is necessarily exclusive and absolute; it is susceptible of no limitation not imposed by itself. Any restriction upon it depriving validity from an external source would imply diminution of its sovereignty to the extent of the restriction. All exceptions, therefore, to the full and complete power of a nation within its own territory must be traced to the consent of the nation itself. They can flow from no other legitimate source. This consent may be either express or implied. In the latter case it is less determinate, exposed more to the uncertainties of construction; but, if understood, not less obligatory." And again, after holding it "to be a principle of public law that national ships of war, entering the port of a friendly power, open for their reception, are to be considered as exempted by the consent of that power from its jurisdiction," he added: "Without doubt, the sovereign of the place is capable of destroying this implication. He may claim and exercise jurisdiction, either by employing force or by subjecting such vessels to the ordinary tribunals."

Again, in *Wildenhuis's case* (120 U. S., 1), in which the jurisdiction of a State court over one charged with murder committed on board a foreign merchant vessel in a harbor of the State was sustained, it was said by Mr. Chief Justice Waite (pp. 11, 12):

"It is part of the law of civilized nations that when a merchant vessel of one country enters the ports of another for the purposes of trade, it subjects itself to the law of the place to which it goes unless by treaty or otherwise the two countries have come to some different understanding or agreement. From experience, however, it was found long ago that it would be beneficial to commerce if the local government would abstain from interfering with the internal discipline of the ship and the general regulation of the rights and duties of the officers and crew toward the vessel or among themselves. And so by comity it came to be generally understood among civilized nations that all matters of discipline and all things done on board which affected only the vessel or those belonging to her, and did not involve the peace or dignity of the country or the tranquility of the port, should be left by the local government to be dealt with by the authorities of the nation to which the vessel belonged as the laws of that nation or the interests in its commerce should require. But if crimes were committed on board of a character to disturb the peace and tranquility of the country to which the vessel has been brought, the offenders have never by comity or usage been entitled to any exemption from the operation of the local laws for their punishment, if the local tribunals see fit to assert their authority."

It follows from these decisions that it is within the power of Congress to prescribe the penal provisions of section 10, and no one within the jurisdiction of the United States can escape liability for a violation of those provisions on the plea that he is a foreign citizen or an officer of a foreign merchant vessel. It also follows that it is the duty of the courts of the United States to give full force and effect to such provisions. It is not pretended that this Government can control the action of foreign tribunals. In any case presented to them they will be guided by their own views of the law and its scope and effect; but the courts of the United States are bound to accept their legislation and enforce it whenever its provisions are violated. The implied consent of this Government to leave jurisdiction over the internal affairs of foreign merchant vessels in our harbors to the nations to which those vessels belong may be withdrawn. Indeed, the implied consent to permit them to enter our harbor may be withdrawn, and if this implied consent may be wholly withdrawn it may be extended upon such terms and conditions as the Government sees fit to impose. And this legislation, as plainly as words can make it, imposes these conditions upon the shipment of sailors in our harbors and declares that they are applicable to foreign as well as to domestic vessels. Congress has thus prescribed conditions which attend the entrance of foreign vessels into our ports and those conditions the courts are not at liberty to dispense with.

Mr. President, there can not, I believe, remain in the mind of any Senator any question as to the right of this Government to

enact this legislation. As to the wisdom of the public policy of such enactment there has been no objection made here that is not answerable—overwhelmingly answerable—but, much as I should like to cover that ground, I refrain from taking two or three hours for that purpose because of the pressure of important legislation before the Senate at this time.

The history of this legislation is fresh in the minds of Senators. It has been a long, hard struggle of more than 20 years, exemplifying the difficulties of establishing the rights of men when in conflict with the money power.

This bill, if it becomes law, in so far as the United States can do it, will make of the seaman a free man. It gives him the right to one-half the wages earned, and this will enable him to exercise and protect his freedom. It will prevent "crimping" and "shanghaiing." It protects against unfair competition with orientals. It regulates the hours of labor in port and at sea. It compels better living conditions for seamen on the vessels. It establishes a satisfactory standard for able seamen employed upon ocean vessels. It requires certificated lifeboat men as part of the manning of the lifeboats, without establishing a definite standard of efficiency for them. The bill provides a standard for davits, a standard for lifeboats, and requires the equipment of vessels with a certain number of lifeboats.

In the provisions for the public this bill does not go as far as it should.

Why, Mr. President, when this same Committee on Commerce investigated the great *Titanic* disaster and reported the result of their investigation to the Senate, it recommended that vessels going out of our ports should be compelled to carry lifeboats for all. At that time there was no dissent from any member of that committee to that proposition. The Senate, when it considered this bill, in October, 1913, incorporated in it a provision that every vessel leaving our ports—foreign vessels as well as the vessels of the United States—should furnish lifeboats for all, and that the assignment of every passenger to his place in a lifeboat should be made when he purchased his ticket. I must not take the time of the Senate to discuss the influences that have operated to cut down these provisions for the safety of passengers.

This conference report, if it is adopted and made a law, furnishes such safety provisions only to 75 per cent of the passengers. Every boat leaving the United States, whether foreign or a vessel of this country, will be required to furnish lifeboats for 75 per cent and life rafts for 25 per cent. This provision, which the Senator from Ohio so highly commends, means just this: In midocean, when the temperature is low and when a vessel, as in the case of the *Titanic*, is fatally hurt and must go down, 25 per cent of those on board must take refuge, such as is offered, on rafts. What does that mean? The rafts are two cylinders which support a platform of slats. When the rafts are loaded, the water must wash over them and go up through the openings between the slats. A life line runs around outside of the raft. For what purpose? To enable those who jump overboard to hold and either draw themselves onto the raft or support themselves in the water. The raft is thrown over by hand. The passengers having no other means of possible safety must jump overboard, and it may be into water that will chill them to death in less than two hours, as was the case in the wreck of the *Empress of Ireland*. They can hold onto the rope if they have the strength, or the raft may float them if they climb on top of it; but if they are on top of it, they will still be washed by the icy sea as it passes over them. Without question lifeboats should be provided for all. When it is understood what inadequate protection the raft furnishes against disasters at sea, the public will demand lifeboats for all. And I serve notice that, at the beginning of the next session, if I live, I shall press upon the attention of the committee and of Congress, and upon the attention of the public, the importance of furnishing lifeboats for all, in order to provide that degree of safety at sea to which all are entitled.

Mr. President, this subject tempts me to go further, but the condition of business in the Senate admonishes me that I must forbear. I must not take more time.

I move to lay the motion of the Senator from Georgia [Mr. SMITH] on the table.

Mr. BURTON. Mr. President, I want to be heard about five minutes on that. There is a ready answer to what the Senator from Wisconsin has said.

The VICE PRESIDENT. Well, the Chair—

Mr. LA FOLLETTE. The Senator has already spoken two or three hours.

Mr. BURTON. But statements have been made—

The VICE PRESIDENT. The Chair has no power to grant a request of the kind made by the Senator from Ohio.

Mr. BURTON. Mr. President—  
The VICE PRESIDENT. The Chair has no power to grant the request.

Mr. BURTON. I know that; but I make the request of the Senator from Wisconsin. He has made statements entirely new in the discussion of this question, which should be answered before this matter comes to a vote.

Mr. STONE. Mr. President, this conference report was agreed to under very peculiar circumstances. There is no disposition, or I think none, to unduly delay the consideration of this matter, and I do not think it is fair to force it to a vote in this way after what has occurred. The way in which it passed was not due to those who were opposed to the bill, but the bill was passed in their absence. Personally I think advantage was taken of their temporary absence, and that ought not to be.

Mr. ASHURST. Regular order, Mr. President.

The VICE PRESIDENT. The Chair has not anything to do with it. It is the rule of the Senate.

Mr. FLETCHER. Regular order!

Mr. BURTON. I understand that a request to postpone the motion is refused. Against that I enter my protest.

The VICE PRESIDENT. So the Chair understands.

Mr. BURTON. In five minutes I could present the facts to the Senate in such manner as to show that the arguments of the Senator from Wisconsin in regard to this matter are not at all based upon the facts.

Mr. LA FOLLETTE. I would not press this motion if I were not warned by other Senators that if this debate is protracted it will not only put in jeopardy this legislation, but also appropriation bills which must be passed, unless an extra session comes on.

The VICE PRESIDENT. The Chair has absolutely no power to grant the request.

Mr. LA FOLLETTE. I must ask for the regular order.

The VICE PRESIDENT. The question is on the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to lay on the table the motion to reconsider.

Mr. SMITH of Georgia. I call for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CLARKE of Arkansas (when his name was called). I have a pair with the junior Senator from Utah [Mr. SUTHERLAND] and withhold my vote, unless he makes his appearance.

Mr. MARTINE of New Jersey (when his name was called). I am paired with the Senator from Connecticut [Mr. BRANDEGEE]. I transfer that pair to the Senator from Virginia [Mr. MARTIN] and vote "yea."

Mr. MYERS (when his name was called). I have a pair with the Senator from Connecticut [Mr. McLEAN]. In his absence I withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the junior Senator from New Jersey [Mr. HUGHES]. In his absence I withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "yea."

The roll call was concluded.

Mr. COLT (after having voted in the negative). I inquire if the junior Senator from Delaware [Mr. SAULSBURY] has voted?

The VICE PRESIDENT. The Chair is informed he has not.

Mr. COLT. In his absence I withdraw my vote. I have a pair with that Senator.

Mr. GRONNA (after having voted in the affirmative). I inquire if the senior Senator from Maine [Mr. JOHNSON] has voted?

The VICE PRESIDENT. The Chair is informed that he has not voted.

Mr. GRONNA. I have a pair with that Senator, and, as I am unable to get a transfer, I am compelled to withdraw my vote.

Mr. GALLINGER. I have been requested to announce the following pairs:

The Senator from Idaho [Mr. BORAH] with the Senator from Louisiana [Mr. THORNTON];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Idaho [Mr. BRADY] with the Senator from Indiana [Mr. SHIVELY].

The result was announced—yeas 39, nays 33, as follows:

## YEAS—39.

Ashurst	Fletcher	Kenyon	Lee, Md.
Chamberlain	Gore	Kern	Lewis
Chilton	Hitchcock	La Follette	Martine, N. J.
Clapp	Hollis	Lane	Norris
Cummins	James	Lea, Tenn.	Owen

Perkins	Reed	Smith, Mich.	Vardaman
Pittman	Robinson	Swanson	Walsh
Poinceter	Shafroth	Thomas	White
Pomerene	Shepard	Thompson	Works
Ransdell	Smith, Ariz.	Tillman	

## NAYS—33.

Bankhead	Dillingham	Oliver	Smoot
Bryan	du Pont	Overman	Stephenson
Burleigh	Fall	Page	Stone
Burton	Gallinger	Penrose	Townsend
Camden	Hardwick	Root	Warren
Catron	Jones	Sherman	Weeks
Clark, Wyo.	Lippitt	Simmons	
Crawford	Lodge	Smith, Ga.	
Culberson	O'Gorman	Smith, Md.	

## NOT VOTING—24.

Borah	Goff	Martin, Va.	Shively
Brady	Gronna	Myers	Smith, S. C.
Brandeggee	Hughes	Nelson	Sterling
Bristow	Johnson	Newlands	Sutherland
Clarke, Ark.	McCumber	Saulsbury	Thornton
Colt	McLean	Shields	Williams.

So the motion to reconsider was laid on the table.

Mr. STONE. Mr. President—

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. What is the question now before the Senate?

The VICE PRESIDENT. The Military Academy appropriation bill is now before the Senate.

Mr. STONE. I desire to take the floor.

The VICE PRESIDENT. The Senator from Missouri.

Mr. STONE. Mr. President, I voted against the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] to lay on the table a motion of the Senator from Georgia [Mr. SMITH] to reconsider the vote whereby the conference report on the seamen's bill was agreed to. When the conference report was pending I was called from the Chamber to the office of the Secretary to execute a paper which it is important should be mailed to-day. When I left the Chamber I understood that the Senator from Georgia [Mr. SMITH] and other Senators desired to discuss the conference report following the address of the Senator from Mississippi [Mr. VARDAMAN], who was speaking at that time. On my return to the Chamber, greatly to my astonishment, I found that the report had been agreed to. From my point of view I could not support the bill as reported from the conference, and I desired to state my reasons for that position. When the Senator from Georgia made his motion to reconsider, I intended to vote for the motion and reopen the subject, and hence, when the Senator from Wisconsin moved to table the motion to reconsider, I felt constrained to vote against it. But since the motion to table was adopted, I wish now briefly to state some of my objections to the bill itself.

Mr. President, this seamen's bill in its present form does not have the approval of my deliberate judgment. I am as much interested in promoting the welfare of the American workingmen as any other Senator, although I do not have as much to say as some others on that subject. I feel just as deeply with respect to this subject as those who give more time than I do to the exploitation of their views upon it. I can not support a measure which I believe to be wrong and unwise, simply because some organization of men may favor it, however much I may be in sympathy with those men. From the sentimental or sympathetic view I should have liked to support the seamen's bill. If it had been confined in its operations to American seamen and American ships, it would have had my hearty support; but when we go beyond that and undertake a sort of Utopian scheme of caring for foreign seamen and regulating foreign ships and imposing our standards of policy upon the Governments of the world, I am compelled to halt, for I have a grave apprehension that an attempt of that kind will involve us in serious trouble without accomplishing any measure of good that would compensate for the dangers we incur. I greatly desire to promote the welfare of American workingmen in whatever line they are employed; I want their conditions improved, so as to make them the best possible; I want them to have the best wages paid anywhere in the world; I want them to enjoy every possible comfort and the widest liberty of conduct consistent with good citizenship. When we work on these lines we are working within our own jurisdiction and keeping within our own limitations, but when we venture beyond this boundary and, in a spirit of knight errantry, undertake by law to apply our standards to other nations, I think we venture upon dangerous ground.

The Senator from Wisconsin said that this seamen's bill represented a significant phase of the struggle now going on between men and the rights of men upon the one side and money on the other side. If I comprehend what he means he intended to impress the idea that there is a struggle between employees and employers—between seamen who work and shipowners who

employ them. That may be true. Possibly it is true. I do not perhaps know as well as the Senator from Wisconsin about the details of this conflict; I do not know how acute it is or about its history or the extent of it. Everyone knows that I have nothing to do, directly or indirectly, with any shipping interest, and that I have no concern about the shipping interest except in its broad and general aspects.

Mr. President, I make no issue on the legal phases of the subject, as they have been presented by the Senator from Wisconsin and others. I think the United States can deny foreign ships the right to enter its ports if it should so desire, and that it follows, therefore, that the United States can admit foreign ships to its ports upon any terms it pleases. We can impose any conditions in that behalf we may desire. But I am looking at the question as one purely of public policy. The seamen's union want this bill; their representatives have been urging it actively upon the consideration and favor of Members of Congress. They think that the bill will not only help American seamen, but will also help foreign seamen who come upon foreign ships into our ports. I can not believe that this latter result is possible of attainment through this means. If foreign seamen should generally avail themselves of the provisions of this proposed law, they would probably soon find themselves out of employment altogether. They might come ashore and remain here, or they might exact of their employers additional compensation or additional advantages in other ways as a condition for carrying out their contracts and returning to their employment aboard ship. They might do that for the moment. But can you doubt that such men would be blacklisted, and that on returning home they would be subjected to some form of punishment by their home authorities, or at least that they would lose their employment and be put adrift. If they refused to return to the service which they had been engaged to perform, and should remain in America, what then? They would be men trained in the service to which they had been devoting their lives and would be measurably unfit for any other employment. It follows, therefore, that they would crowd in upon the opportunity of American seamen and overstock the labor market of this country. I do not see how any substantial or permanent good can be derived in this direction from this bill.

But, Mr. President, my greatest objection to this bill lies in this direction: By congressional legislation and because of our public policy, we have practically destroyed our over-seas merchant marine. We have few ships of our own; we have by a blind and fatuous course, inexplicable and amazing, driven our flag from the high seas. And now we propose to establish a policy the inevitable tendency of which is to drive foreign ships from our ports and thus further harass and distress the great commercial and industrial interests of the country. We have millions of tons of our products—the products of our enterprise and labor—for shipment to the various markets of the world. We are dependent upon the ships of foreign countries to supply the facilities of transportation. To the extent that you hamper and embarrass the commercial and industrial interests of the country in finding ready and adequate means of transportation you injure the labor of the country employed in productive industry, and you injure enterprise and investment. I would like to render any wise and considerate service to workingmen employed in ocean shipping, but I can not forget that there are many hundredfold more workingmen whose interests seem to me to lie in another direction. At all events, I am not willing to take the chance of trying to help the working people of other nations by doing at the same time not only a possible but a probable serious injury to thousands of wage earners in my own country.

The Senator from Georgia [Mr. SMITH] says that from 75 to 80 per cent of the cotton, food products, manufactures, and other American commodities are shipped abroad in the bottoms of what are known as tramp ships. I can not escape a profound apprehension that these ships will avoid our ports, coming here only when they can find no cargoes in other countries, if this measure becomes a law and is rigidly enforced. Of course I may be mistaken about this and hope I am, but that we incur a grave danger in this direction seems clear to my mind. The bill would not appeal to my judgment even if the world was at peace; but in the circumstances of this period, I can not help looking upon this movement with unqualified disapprobation.

Mr. President, can we expect foreign nations to acquiesce in a drastic policy of this kind? Will they not justly regard it as a gross interference with their rights? Will we not provoke them into adopting some policy of their own by way of retaliation, and thus not only unsettle business conditions in this country but seriously disturb our international relations? I can not but view this measure with deep apprehension. I do

not believe that the possible good to be derived from it will begin to compensate for the injury it will occasion.

Mr. President, in this hurried way I give a skeleton view of my objections to the bill. Nothing I can say will be of any avail, I know, for the vote has been already taken. We have now passed the measure beyond the control of the Senate, but I feel that I ought to say at least this much in support of my attitude. There are other things I would like to say, and I would like to elaborate the points I have touched upon, but the time of the Senate is so precious now that I will not further intrude upon it.

#### INDIAN APPROPRIATIONS.

Mr. ASHURST. Mr. President—

The VICE PRESIDENT. The Senator from Arizona.

Mr. ASHURST. I move that the Senate proceed to the consideration of H. R. 20150, the Indian appropriation bill.

Mr. JONES. Mr. President, before that is done I wish to make a statement in reference to my vote on the last question which was voted upon.

Mr. ASHURST. Mr. President, let the motion be stated.

Mr. JONES. I guess I can discuss this motion.

Mr. ASHURST. Wait until we get the bill up; then the Senator can discuss it.

Mr. JONES. I do not want to discuss the bill. I simply want to make a brief statement in connection with the last vote, and I will take this opportunity to do it, on the motion to take up this bill.

Mr. President, I voted against the motion to lay on the table the motion of the Senator from Georgia [Mr. SMITH]. I had intended to vote for the adoption of the conference report. I would have done so with very much misgiving, because of the provisions in it relating to foreign ships and because of our treaties. I voted, however, against the motion to lay on the table the motion of the Senator from Georgia because on general principles I am opposed to laying propositions on the table. I prefer to vote on them directly. Furthermore, it seemed to me that the Senate had hardly acted fairly in the acceptance of the conference report, because it was known that several Senators desired to speak upon it, and I believe that no technical advantage should be taken of them. I voted against this motion largely on that account.

Mr. BURTON. Mr. President—

The VICE PRESIDENT. The Senator from Ohio.

Mr. BURTON. In discussing the seamen's bill, the Senator from Wisconsin [Mr. LA FOLLETTE] animadverted upon the statements made by several Senators in the discussion, including the Senators from Massachusetts and New York as well as the Senator from Georgia and myself, and maintained that this proposed legislation was in line with statutes of the United States now existing. It will take but a very few minutes to show that either he quoted a very insignificant part of those statutes or he was in error.

It will be noted that the Senator from Wisconsin gave practically his whole time to the statutes of the United States relating to allotments or advance payments of wages to seamen, and when questioned as to whether the proposed law, as set forth on the top of page 14, referred to allotments made in foreign countries as well as in the United States, he expressed some doubt, but said he took it for granted that it did. Then he read at length from the case of the *Eudora*. That was a case in which allotments were made in the United States. He referred also to a bill introduced by me forbidding advance payments. The bill which I introduced forbade only allotments made in this country, and that bill very carefully limited penalties for allotments to those made in the United States. This conference report may be interpreted as limiting the law to allotments in the United States, but it is very doubtful, and it is evident that the intention of its proponents is to make it applicable to all allotments. I have already read the paragraph. Let me read the provisions in the two bills, and first from the pending bill:

The master, owner, consignee, or agent of any vessel of the United States, or of any foreign vessel seeking clearance from a port of the United States, shall present his shipping articles at the office of clearance; and no clearance shall be granted any such vessel unless the provisions of this section have been complied with.

That is the provision in this bill relating to compliance with the law in regard to allotments. Now, a very significant line was in the former bill as it passed the House in March, 1913, and was in the bill as proposed by the Senator from Minnesota [Mr. NELSON] and myself, the omission of which changes the whole meaning of this section. The first lines are the same:

The master, owner, consignee, or agent of any foreign vessels seeking clearance from a port of the United States shall present his shipping articles, so far as they relate to the engagement of seamen in the United States—

The last portion is significant. That was in the bill which passed the House and Senate in 1913; it was in the bill as recommended by the Committee on Commerce, expressly and in the most distinct language limiting the operation of this law to the engagement of seamen in the United States. This last line is left out in this conference report, and I presume it is left out with a purpose.

So, Mr. President, we have here a proposed law which penalizes the custom in vogue in every foreign country, a custom which we have tolerated all these years, namely, the allotment in a foreign country. We have sought by no statute to interfere, nor is there any judicial decision which interferes, with that custom. Every statute, every decision, is limited to allotments made in the United States, and until this law that comity was preserved between our own and every other.

But the question of allotments is an insignificant and immaterial one in this bill.

The principal section of the law read by the Senator from Wisconsin to sustain his contention contained the very important clause, "provided treaties with foreign countries do not conflict." In the paragraphs of which the opponents of the bill complain treaties do conflict.

The Senator from Wisconsin very judiciously avoided the other features in this conference report, which will demoralize shipping, which will interfere with comity with foreign nations. He said nothing of this provision that provides that a demand may be made for half of the wages which have been earned by a foreign seaman—a violation of the rule of contract; of the section which imposes upon every one of these boats—and I want to speak especially for the tramp boats—the necessity, after they have allotted and paid to their seamen perhaps the whole amount of wages earned, to pay one-half of that amount again if it is demanded in a port of the United States.

The Senator from Wisconsin very wisely omitted reference to the language test, which is new—new not only in this country, but in all countries. He omitted reference to the able-seaman test; he omitted what probably in practice will be the worst of all—the provision for a muster six hours before the boat is scheduled to depart.

These are the leading objections to the bill. The allotment provision to which he refers is of insignificant importance in comparison with those. Thus the Senator from Massachusetts, the Senator from New York, and the Senator from Georgia were right in their inferences of the damage to be done by this measure.

Mr. President, this is my last word upon this subject. I trust it is, anyway. If I were seeking personal vindication, I would say: "Pass this bill and try it." I have desired to state the objections to it and the dangers which lurk in it. I have tried to do my duty. My sympathy is all with the seamen. Their scale of wages all over the world, except in some exceptional localities, like the Pacific coast and the Great Lakes, is a low one. Anything that will improve their condition and give them a fair and rational basis for demanding larger compensation I shall most cordially approve and favor. But this bill interferes with our relations with every foreign country that has a merchant marine. It violates our treaties; it violates the customs of shipping that have been in vogue now, not merely for a hundred years, but from time immemorial. You can not introduce such demoralization in any trade without injuring the very men that you are seeking to benefit, because you lessen their opportunities for employment; you will drive boats away from the United States which otherwise would come here; you will make the rates for the transportation of products which compete with our own lower from those competing countries than they are when shipped from the United States, so that, in the long run, the very men that this bill seeks to benefit will be injured, and an injury of the greatest proportions will be imposed upon the producers of the United States.

I sincerely hope that the apprehensions of those who oppose this bill may not be realized; but if they are not, it will be because this law will be enforced with laxity or those who have opportunity to take advantage of it will show a degree of forbearance which could be hardly expected of any men.

There is one other thing I want to speak of—the provision with regard to lifeboats and rafts. The Senator from Wisconsin was criticizing this very conference report when he spoke of the 75 per cent of lifeboats and 25 per cent of rafts. That is in this bill; but just one word about that. It was not putting the investment of capital against the lives or safety of the passengers that prompted that. It was because under many circumstances the rafts are better than the lifeboats. If there is a rough sea the lifeboat in lowering is liable to be smashed against the side of the ship. If the ship sinks in a very short time there is not time to remove the boats from the davits and

get them away; but there is time for the imperiled passenger to locate himself upon a raft and float away in safety. If this question comes up at any future time I trust the Senate or the House will not be influenced by any careless or superficial examination of this question, but will consider the facts, and recognize that this proportion between lifeboats and rafts was adopted by the London convention, by the best experts in the world, after careful consideration, and with a view to the greater security of human life.

#### MILITARY ACADEMY APPROPRIATIONS.

Mr. CHAMBERLAIN. I understand the Senator from Arizona [Mr. ASHURST], who has charge of the Indian appropriation bill, made a motion to supplant the pending unfinished business, but he assured me he would withdraw it and let me proceed with the Military Academy appropriation bill.

The PRESIDING OFFICER (Mr. SAULSBURY in the chair). The motion being withdrawn, as stated by the Senator from Oregon, the Senate will resume the consideration of the Military Academy appropriation bill.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 21328) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1916, and for other purposes.

The reading of the bill was continued. The next amendment of the Committee on Military Affairs was under the subhead, "Pay of civilians," on page 13, line 8, before the word "typewriter," to strike out "copyist" and insert "stenographer," so as to make the clause read:

For pay of one stenographer, typewriter, and attendant in the department of English and history, to be appointed by the Superintendent of the United States Military Academy, \$840.

The amendment was agreed to.

The next amendment was, on page 13, line 17, after the word "charwoman," to insert "at headquarters, United States Military Academy," so as to make the clause read:

For pay of one charwoman at headquarters, United States Military Academy, \$480.

The amendment was agreed to.

The next amendment was, on page 15, line 19, after the word "contingencies," to strike out "\$1,700" and insert "\$2,000," so as to make the clause read:

Printing: For printing and binding, type, materials for office, including repairs to motors and machinery, diplomas for graduates, annual registers, blanks, and monthly reports to parents of cadets, and contingencies, \$2,000.

The amendment was agreed to.

The next amendment was, on page 15, line 25, after the word "and," to strike out "guardhouse" and insert "cadet headquarters," and on page 16, line 6, after the word "room," to strike out "\$1,500" and insert "\$2,000," so as to make the clause read:

For camp stools, camp and office furniture, and repairs to same; for dorms for cadet barracks, sinks, and cadet headquarters; for stationery, typewriting supplies and repairs, for use of instructor and assistant instructors of tactics; for books and maps, binding books, and mounting maps; for plumes, silk and worsted sashes for cadet officers and acting officers; for furniture, curtains, and rugs for cadet reception room, \$2,000.

The amendment was agreed to.

The next amendment was, on page 16, line 12, after the word "tank," to strike out "\$2,500" and insert "\$3,500," so as to make the clause read:

Gymnasium and athletic supplies: For repairs, new machines, athletic supplies, and fixtures for gymnasium; for foils, masks, belts, fencing gloves, fencing jackets, gaiters, sabers, and repairs; for repairs and improvements to dressing rooms, platform, and swimming tank, \$3,500.

The amendment was agreed to.

The next amendment was, on page 17, line 10, after the words "and so forth," to insert "to be immediately available," so as to make the clause read:

For general repairs to cadet camp, including camp grounds, repairs to tent platforms, painting, shower baths, and underground sinks, etc., to be immediately available, \$1,000.

Mr. SMOOT. Is that amendment put in because of the fact that they spent \$1,000 more than last year's appropriation?

Mr. CHAMBERLAIN. No; it is not for a deficiency. They want to get ready for the coming spring and summer encampment. As frequently happens, they want to begin work just as soon as the bill becomes a law. That is the only reason, I will state to the Senator.

Mr. SMOOT. As the Senator knows, there is a way under some of the appropriation bills of putting in appropriations to be immediately available, and it is done for no other purpose than to pay a deficit.

Mr. CHAMBERLAIN. I know that, but that is not the case here, I will state to the Senator.

The amendment was agreed to.

The next amendment was, on page 17, line 12, after the word "camp," to insert "to be immediately available," so as to make the clause read:

For 100 new tent floors for cadet camp, to be immediately available, \$1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous items and incidental expenses," on page 22, line 26, after the word "superintendent," to strike out "\$1,400" and insert "\$1,500," so as to make the clause read:

Purchase of instruments for band and repairs to same; for purchase of reeds, pads, strings, and other materials necessary for brass, wood, wind, and string instruments; for purchase of music stands and other equipments; for purchase of music for military band and orchestra and for extra parts; and for contingent expenses not otherwise provided for; all to be purchased in open market on order of superintendent, \$1,500.

The amendment was agreed to.

The next amendment was, on page 23, line 9, after the word "bathhouses," to strike out "\$11,000" and insert "\$11,410," so as to make the clause read:

For the policing of barracks and bathhouses, \$11,410, \$400 of which is made immediately available.

The amendment was agreed to.

The next amendment was, on page 23, line 12, after the word "barracks," to strike out "\$2,850" and insert "\$3,600," so as to make the clause read:

For supplying light and plain furniture to cadets' barracks, \$3,600.

The amendment was agreed to.

The next amendment was, on page 23, line 22, after the word "appropriations," to insert: "Provided further, That so much of section 96 of the act approved January 12, 1895, as requires envelopes for official use to be purchased under contracts made by the Postmaster General, shall not apply to the purchase of envelopes from any of the foregoing appropriations."

Mr. SMOOT. Mr. President, the object of the amendment I suppose is to change the printing law so that the envelopes can be purchased outside, not under the contract made by the Postmaster General. I want to have some explanation as to why that amendment should be adopted changing existing law, because I doubt very much whether the provision should be allowed to pass.

Mr. CHAMBERLAIN. I will say, if the Senator will permit me, Mr. President, that the reason they give for this provision is that they use file envelopes, a different class of envelopes, showing the subject, and they are different from the class of envelopes usually supplied by the Postmaster General. That is the only reason they gave for asking it.

Mr. SMOOT. Congress, in the last four or five years particularly, has undertaken to see that all supplies and all printing shall be obtained from one source. We have stopped a great deal of the printing in different sections of the country that cost the Government sometimes 150 per cent more than if printed here at the Government Printing Office.

Mr. CHAMBERLAIN. I will say to the Senator it is not a very important or essential provision, and I do not care to insist on it.

Mr. SMOOT. Then I ask that the amendment be disagreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was rejected.

The next amendment was, under the subhead "Buildings and grounds," on page 25, after line 15, to insert:

For repairs to cadet mess building, \$2,050.

The amendment was agreed to.

The next amendment was, at the top of page 27, to insert:

For grading and granolithic paving in area of the south cadet barracks, to be immediately available, \$10,527.

Mr. SMOOT. Was that amount estimated for by the department?

Mr. CHAMBERLAIN. It was estimated for, but not allowed by the House. I will say to the Senator that the old pavement has been there for a great many years, and it is in a very much worse condition than the pavement to the east of this Capitol, because the system had not been improved for paving then, and the estimate is for repairs to put it in order.

The amendment was agreed to.

The next amendment was, on page 27, after line 5, to insert:

For increasing the efficiency of the power plant: For two 440-horse-power boilers complete with settings; for piping and connections for same; for replacing eight defective gate valves with globes; and making necessary alterations in piping in connection therewith, \$19,960.

The amendment was agreed to.

The next amendment was, on page 27, after line 10, to insert:

Repairs and extensions to docks and wharves at West Point, N. Y.: For extensions, repair, and maintenance of south dock and wharf,

including all necessary labor and material therefor, fuel for waiting rooms, and water for flushing urinals and closets, painting, repairs, brooms, shovels, etc., \$15,000.

The amendment was agreed to.

The next amendment was, on page 27, line 20, after the word "wharf," to insert "and ferry slip at West Point, N. Y.," so as to make the clause read:

The Secretary of War is authorized to have collected from vessels using the wharf and ferry slip at West Point, N. Y., such wharfage dues as he may deem just, reasonable, and necessary, the same to be paid at the time of landing to the post quartermaster or his authorized agent.

The amendment was agreed to.

The next amendment was, on page 28, after line 4, to insert:

Hereafter printing, binding, and blank books required for the use of the United States Military Academy may be done or procured elsewhere than at the Government Printing Office when in the opinion of the Secretary of War such work can be more advantageously done or procured locally, the cost thereof to be paid from the proper appropriation or appropriations made for the Military Academy.

Mr. SMOOT. Mr. President, I make a point of order against the amendment that it is general legislation upon an appropriation bill.

Mr. CHAMBERLAIN. I concede that the point is well taken, Mr. President.

The PRESIDING OFFICER. The Chair decides that the point is well taken and that the amendment is out of order.

Mr. MARTINE of New Jersey. Mr. President—

The PRESIDING OFFICER. Have all the committee amendments been disposed of?

Mr. CHAMBERLAIN. The committee has no further amendment to offer.

Mr. MARTINE of New Jersey. I offer the following amendment.

The PRESIDING OFFICER. The amendment will be read.

The SECRETARY. On page 2, line 10, after the word "admitted" insert the following proviso:

Provided further, That the President be, and he is hereby, authorized to reappoint as cadets at the United States Military Academy, without regard to age or the existence of vacancies, Charles August Meyer and Clifford Hildebrandt Tate.

Mr. SMOOT. I will ask the Senator from New Jersey to kindly explain why that amendment should be adopted.

Mr. MARTINE of New Jersey. The facts of the case briefly are these: These two young men are from my State. They were cadets at West Point and had a most exceptional record for deportment and ability and all the other requirements. They served nearly three years. Their matter was brought up last year before the military board. It passed the military board and the measure passed the Senate. It then went over to the House, but owing to the exceeding crush of business at that time it was impossible to get it through.

On behalf of these young men I appeared before the Committee on Military Affairs, and the action for the reinstatement of these men had the approbation of the entire committee. I now plead that these young men, whose conduct was exemplary in the academy, having failed only slightly on analytic geometry, instead of being discharged *nolens volens* and prevented from serving their country, which was the ambition of their lives, may be reinstated or put back so that they may begin again and have another trial.

Mr. SMOOT. The reason for their discharge is on account of the fact that they failed in one study, does the Senator say?

Mr. MARTINE of New Jersey. They failed slightly on analytic geometry. I have a letter here which I would like to have the Senator and the Senate hear. It seems to me that it presents their case in a way such as to justify my proposition, and I believe will induce the vote of every Senator here. I ask that this letter addressed to myself from one of these young men may be read by the Secretary.

The PRESIDING OFFICER. Without objection, the Secretary will read the letter.

Mr. SMOOT. Just a moment. I will ask the Senator if their conduct was such that they received demerits sufficient to call for their discharge?

Mr. MARTINE of New Jersey. No, sir; their conduct was most exemplary.

Mr. SMOOT. There was no charge of that kind against them?

Mr. MARTINE of New Jersey. It was nothing of that kind. There are precedents for this action. I recall, as doubtless the Senator will, the reinstatement of cadets. He will doubtless recall the instance at Fort Myer some two or three years ago where, I think, three young men were guilty of insubordination to a degree of intoxication, and they were removed, and through the action of the Senator from Delaware [Mr. DU PONT], who indorsed the report in their favor, these young men were not

discharged nolens volens but reinstated. That is simply what I ask here. I do not know that it is necessary to have the letter read, but—

Mr. SMOOT. Let it be put in the RECORD.

Mr. MARTINE of New Jersey. I should like to have this pleading letter of the young man read, but let it go into the RECORD without reading. I do not want to take the time of the Senate.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD without reading, and without objection the amendment will be agreed to.

The letter referred to is as follows:

ANDOVER, N. J., March 14, 1914.

HON. JAMES E. MARTINE,  
United States Senate, Washington, D. C.

DEAR SIR: I submit to you the following statement, as requested by you, in connection with my reinstatement as a cadet to the United States Military Academy.

I entered the United States Military Academy on June 14, 1912. I passed off my first year successfully without having to take an examination in any subject, and was advanced to the next higher class. In my second year I found the mathematics more difficult than in the first year, and only in one branch of same, analytical geometry. After the mid-year general reviews were over I found that I was deficient in this subject and was compelled to take the final examination only in mathematics, having passed my other subjects successfully. My mother was very ill at home about this time, and this, in connection with the fact that I had never been ordered out for an examination before and the uncertainty of the outcome of the same, caused me considerable worry.

The examination in analytical geometry was ordered for the morning after Christmas and that in descriptive geometry three days later. In anticipation of the examination I studied up to 12.30 Christmas night, contrary to regulations, in order to prepare for the final test. About 2.30 that morning I was awakened by two buckets of cold water, thrown on me by some underclassmen. This prevented me from sleeping the rest of that night. From this, and from the other reasons previously stated, it can be seen that I was not in the best of physical and mental condition to take the examination. I did not report the matter to the authorities, as I hardly believed that they would give me any consideration. I had two days to prepare for the examination in descriptive geometry, and I feel almost certain that I passed this one. There was no way of telling whether I had passed the examinations or not until 12 days later, when an order was issued discharging me from the academy for being deficient in mathematics.

There was absolutely nothing against my conduct or character, as I had only 58 demerits from June 1 to December 1, which is considered good. Col. Townsley, the superintendent, also stated that I had made a favorable impression upon the tactical department, which department has charge of all the military and tactical work at the academy.

After my discharge I called upon Gen. Barry at Governors Island. He was the superintendent at the academy during part of my first year's course. He was surprised that I had not been turned back instead of being discharged, stating that during his administration at the academy he was always in favor of giving an upper classman a second trial. In connection with this he wrote to Col. Townsley, recommending that the academic board approve of my reappointment.

In view of all these facts, and willing, if necessary, to start all over again and thereby sacrifice two years, my reappointment by Congressman HART was not approved by the academic board. The reason given for not approving of my reappointment was that I had not made a favorable impression upon the majority of the members of the academic board. This statement was apparently based on the report of the assistant instructor of mathematics, who claimed that I appeared indifferent. In contradiction to this so-called indifference, I herewith submit a copy of a letter from my roommate, Mr. Finlay, to my father. I had roomed with Mr. Finlay for a year and a half at the academy, and he would be better qualified to judge my character than my former assistant instructor in mathematics, who saw me in the section room daily 1 hour and 20 minutes for a period of only four months.

I herewith submit a list of names of cadets discharged at different times in the past few years for deficiency in one or more subjects and whose reappointments have been approved by the academic board. From this you will see that the request of Congressman HART for the approval of my reappointment is nothing unusual and has been granted in numerous other cases. I would also draw your attention to the case of C. H. Evans, a member of my class, who was turned out for the examinations in both mathematics and French and failed in mathematics. He was not discharged, but turned back a year and given another trial. His standings in all subjects, with the exception of drill regulations, were lower than mine in the third class year.

It seems to be unreasonable because of my failure by a small margin in one subject, after having spent 19 months and complying with all the requirements at the academy, that I should not be given another chance to show that I can and will make good.

Very respectfully,

CHAS. A. MEYER.

Subscribed and sworn to before me this 17th day of March, 1914.  
[SEAL.]

MORTON J. LUCHS,  
Notary Public.

The bill was reported to the Senate as amended and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill be read a third time.

The bill was read the third time and passed.

#### INDIAN APPROPRIATIONS.

Mr. ASHURST. I move that the Senate proceed to the consideration of the Indian appropriation bill, House bill 20150.

The PRESIDING OFFICER. The question is on the motion of the Senator from Arizona.

The motion was agreed to.

Mr. SMOOT. There are a number of Senators absent who I know desire to be here when the bill is considered, and I suggest the absence of a quorum.

Mr. ASHURST. Will the Senator withhold that for just a moment?

Mr. GRONNA. I ask the Senator from Utah to withhold his demand.

Mr. SMOOT. For what purpose?

Mr. ASHURST. I wish to yield to the Senator from Montana [Mr. MYERS] to submit a report which will lead to no discussion whatever, he assures me.

Mr. SMOOT. I withhold it for the moment.

Mr. ASHURST. I yield to the Senator from Montana for the purpose of presenting a report.

#### DRY-LAND AGRICULTURE IN NORTH DAKOTA.

Mr. MYERS. From the Committee on Public Lands I report back favorably with amendments the bill (S. 7648) to authorize an exchange of lands with the State of North Dakota for promotion of experiments in dry-land agriculture, and for other purposes, and I submit a report (No. 1047) thereon.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from North Dakota?

Mr. ASHURST. I yield, with the understanding that the procedure will lead to no discussion.

Mr. GRONNA. It can not possibly lead to any discussion. The purpose of the bill is to authorize the State of North Dakota to transfer one section of school land for an experimental station. The bill was drawn by the Secretary of Agriculture. It has the recommendation of the Agricultural Department, and is recommended by the Secretary of the Interior, and it is a unanimous report from the Committee on Public Lands. I ask unanimous consent for the consideration of the bill.

There being no objection, the bill was considered as in Committee of the Whole.

The amendments of the committee were, on page 1, line 5, to strike out the words "January 26" and insert "February 6," and in line 10, after the word "vacant," to insert "survey unreserved," so as to make the bill read:

*Be it enacted, etc.,* That upon receipt of a proper deed from the State of North Dakota, executed under authority of the act of its legislative assembly, approved February 6, 1915, reconveying to the United States title to section 16, township 138 north, range 81 west, fifth principal meridian, the Secretary of the Interior is authorized to issue patents to said State for such vacant, surveyed, unreserved, unoccupied, non-mineral public lands as may be selected by said State within its boundaries, not exceeding 1,280 acres in aggregate area, and said section, when so reconveyed, shall not be subject to settlement, location, entry, or selection under the public-land laws, but shall be reserved for the use of the Department of Agriculture in carrying on experiments in dry-land agriculture at the Northern Great Plains Field Station, Mandan, N. Dak.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### CALLING OF THE ROLL.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	O'Gorman	Shields
Bankhead	Hollis	Oliver	Simmons
Bryan	James	Overman	Smith, Ariz.
Burleigh	Jones	Owen	Smith, Ga.
Burton	Kenyon	Page	Smith, Md.
Catron	Kern	Penrose	Smoot
Clapp	La Follette	Perkins	Stephenson
Clark, Wyo.	Lane	Polindexter	Sterling
Clarke, Ark.	Lea, Tenn.	Ransdell	Thomas
Cole	Lee, Md.	Robinson	Thompson
Culberson	Lewis	Root	Tillman
Dillingham	Lodge	Saulsbury	White
du Pont	McCumber	Shafroth	Works.
Fletcher	Myers	Sheppard	
Gronna	Norris	Sherman	

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. A quorum is present.

WALTER DEAN.

Mr. MYERS. I was just permitted to submit a report from the Committee on Public Lands, and I now ask leave to submit another one. It will not take any time.

Mr. ASHURST. I want it understood that it does not displace the unfinished business, the Indian appropriation bill.

The PRESIDING OFFICER. Is there objection to the reception of the report? The Chair hears none.

Mr. MYERS. From the Committee on Public Lands I report back favorably without amendment the bill (H. R. 20427) to authorize the sale of certain land in Alabama to Walter Dean, and I submit a report (No. 1046) thereon.

Mr. WHITE. I ask unanimous consent for the immediate consideration of the bill. The department recommends it.

Mr. ASHURST. With the understanding that it leads to no discussion, I do not object.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to issue a patent to Walter Dean, of Calhoun County, Ala., for the north half of section 24, township 14 south, range 7 east, Huntsville meridian, in the State of Alabama: *Provided,* That the said Dean shall within six months from approval hereof file his application for said tract and pay the register and receiver of the land office at Montgomery, Ala., the sum of \$1.25 per acre therefor.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LIFE-SAVING STATION NEAR DUXBURY REEF, CAL.

Mr. WORKS. There is a short bill upon the calendar, but an important one and of some urgency. I ask for the present consideration of the bill (H. R. 20977) to provide for the establishment of a life-saving station in the vicinity of Duxbury Reef, Cal. If it leads to any discussion I will not press it.

Mr. ASHURST. I have no objection, assuming that it will not lead to any discussion.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to establish a life-saving station in the vicinity of Duxbury Reef, or Bolinas Bay, Cal., at a cost not to exceed \$12,000.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916, which had been reported from the Committee on Indian Affairs with amendments.

Mr. ASHURST. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read for amendments, the committee amendments to be first considered.

The PRESIDING OFFICER. Without objection, that course will be adopted. The Chair hears none.

Mr. SMOOT. Mr. President, this is a very important bill, and I ask that it be read in full as we proceed, for if pages of it are passed without reading many items that we desire to consider may be passed without being noticed. It will not take very long to read the bill, and I ask that it be read in full.

The PRESIDING OFFICER. The Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill.

The first amendment of the Committee on Indian Affairs was, on page 3, line 6, after the date "1914," to insert "and to remain available until expended," so as to read:

For the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances, water rights, ditches, lands necessary for canals, pipe lines, and reservoirs for Indian reservations and allotments, and for drainage and protection of irrigable lands from damage by floods, or loss of water rights, including expenses of necessary surveys and investigations to determine the feasibility and estimated cost of new projects and power and reservoir sites on Indian reservations in accordance with the provisions of section 13 of the act of June 25, 1910, \$250,000, reimbursable as provided in the act of August 1, 1914, and to remain available until expended.

Mr. SMOOT. Mr. President, I should like to ask the Senator having the bill in charge why that amendment should be adopted? The amendment is on page 3, line 7, to insert the words "and to remain available until expended." Is not that changing existing conditions, and is it a proper thing in making an appropriation of \$250,000 "for the construction, repair, and maintenance of ditches, reservoirs, and dams, purchase and use of irrigation tools and appliances," and so forth, to have a clause that it shall "remain available until expended"? If this provision is adopted and the \$250,000 appropriated can be half used during the fiscal year ending June 30, 1916, and if the next appropriation bill shall carry a similar amount, as it probably will, and if the same words are used, that can go on indefinitely, and the Congress of the United States will never know how much money

is in hand for this purpose. It may be a piling up of appropriations from year to year. I want to ask the Senator from Arizona [Mr. ASHURST] if he does not think that that is a bad piece of legislation? Whatever is required for each year Congress is perfectly willing to appropriate; but I do not believe it is good policy to appropriate money and to let it remain unexpended in any particular fund, and then in the next appropriation bill perhaps provide money for the same purpose, when there is an unexpended balance in the Treasury to the credit of the same fund.

Mr. ASHURST. Mr. President, I shall only make a very brief reply to the suggestion of the Senator from Utah. I can not evade, nor do I attempt to evade, the force of his observations, that Congress should at all times assume jurisdiction of unexpended amounts after the end of the fiscal year. This situation, however, is somewhat different because as the Senator will observe this is a reimbursable appropriation. It is reimbursable as provided in the act of August 6, 1914, and it is intended and expected that the whole sum of \$250,000 will be necessary for this particular work. It is a part of a revolving appropriation. While it was not the intention of the committee by inserting this language to, what we might say, short-circuit Congress, nevertheless, in view of the fact that a careful investigation established that this amount would be necessary and it might not be the part of wisdom and good business judgment to expend it before the end of the fiscal year, we simply wanted to give the Interior Department the authority to use the unexpended balance after the end of the fiscal year.

Mr. SMOOT. I know it is a reimbursable fund, but that does not take it out of the class of appropriations to which I have just referred. I do not believe that Congress would hesitate one minute to appropriate in the next Indian appropriation bill for the year 1917 whatever the department might ask; but I do believe that whatever sum is appropriated for this year, if not expended during the year, ought to lapse, and whatever is wanted for the year 1917 ought to be appropriated for next year.

Mr. President, this policy of appropriating money to remain available until expended used to be quite prevalent; but in late years one hardly ever sees that language in an appropriation bill. The policy is a bad one, it never ought to be encouraged; and I believe it will not hurt the beneficiaries of this item if it is not put into the appropriation bill; but, of course, if the Senator from Arizona insists upon the amendment, I do not want to say anything more about it. I do know, however, that as a policy or a principle it is wrong.

Mr. ASHURST. Mr. President, in reply to the Senator, I wish merely to read to the Senate what the Indian Office has to say in regard to this matter, on page 23 of the House hearings. They there made the following observations. Mr. Meritt, in response to a question, said:

Yes, sir; there is always an unexpended balance from this appropriation. It is a continuing appropriation.

Mr. SMOOT. That is the trouble.

Mr. ASHURST. Mr. Meritt continued:

It is necessarily so on account of the construction work.

I again say that I admit the force of the argument of the Senator from Utah, but I trust that this particular amendment may remain in the bill.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. NORRIS. Before the amendment is agreed to I want to ask the Senator from Arizona a question or two in regard to it. Was a similar item carried in last year's appropriation bill?

Mr. ASHURST. In response to the question of the Senator from Nebraska, I will say that it was.

Mr. NORRIS. Has that all been expended?

Mr. ASHURST. All except that at the time the estimates were made there remained the sum of \$122,624.42, and that estimate was made four months ago.

Mr. NORRIS. What was the amount of the appropriation last year?

Mr. ASHURST. It was \$250,000.

Mr. NORRIS. Then, as a matter of fact, they only spent half of it?

Mr. ASHURST. Yes; but that estimate was four months ago, and the fiscal year had only run for a very brief time.

Mr. NORRIS. Was the provision contained in last year's appropriation bill that the sum appropriated should remain available until expended?

Mr. ASHURST. It was.

Mr. NORRIS. Then let us see what we have now. We shall have in this fund, if we appropriate this sum, \$250,000 and \$122,000 of last year's appropriation, making \$372,000.

Mr. ASHURST. But the Senator will bear in mind that the unexpended balance of \$122,624 when the estimates were made was, as I have stated, four months ago. Of course, that fund has been rapidly depleted and has been actively drawn upon since that time.

Mr. NORRIS. I should like to ask the Senator from Arizona something about the work that has been done with this money. Where has it been expended? What has been done with it?

Mr. ASHURST. I will, as briefly as I may, give the Senator an analysis of the manner in which and the purposes for which this fund is being expended:

Analysis of expenditures.	
Salaries, wages, etc.	\$234,222.94
Traveling expenses	13,425.42
Transportation of supplies	7,583.67
Telegraph and telephone service	497.95
Printing, binding, and advertising	299.08
Forage	1,040.16
Fuel	1,539.48
Stationery and office supplies	1,178.71
Equipment, material, etc.	57,730.80
Rent	201.83
Geological Survey, gauging stations, etc.	10,150.47
Miscellaneous	559.59
	328,430.10

As I said before, this has been a reimbursable, continuing appropriation. Now, I will read to the Senator from page 12 of the House hearings. Mr. Meritt, the Assistant Commissioner of Indian Affairs, addressing the House committee, said:

GENERAL FUND, IRRIGATION INDIAN RESERVATIONS, REIMBURSABLE,  
\$295,700.

This fund, which is reimbursable where the Indians have adequate funds to repay the Government, is a very important one. It is for work on various reservations and allotments where the Indians have no money available to construct and maintain the irrigation works necessary for the cultivation of the land. It provides for irrigation, drainage, and protection of irrigable lands from damage by floods, and is the only appropriation available for use in emergency work such as extraordinary repairs, and that the necessity for which arises from unusual weather conditions. It is used also to pay the annual reclamation and maintenance charges on land allotted to Paiute Indians irrigable under Truckee-Carson project, Nevada, of the United States Reclamation Service.

From this fund is paid the expenses of the chief assistant inspectors of irrigation and a large part of the expenses of the superintendents of irrigation in charge of the various districts. It is necessary for the payment of the superintendent of irrigation to handle water-right matters and the field-cost accountant.

The field work is divided into five principal districts, and the work proposed to be done with the amount as shown by the estimates for expenses of the organization, construction, and maintenance of irrigation systems, drainage and protection of irrigable lands from damage by floods or loss of water rights, and surveys to determine the feasibility and estimated cost of new projects, and power and reservoir possibilities on Indian lands appears in the following table:

The tables which are comprised in several pages are then set out. In brief, I wish to conclude by saying that the committee regards this as a very important appropriation, and the money is used for the purposes which I have indicated to the Senator.

Mr. NORRIS. Mr. President, the Senator's explanation makes it very plain that it is a very important appropriation. He has given us some very valuable information in regard to it. I notice, however, that the total expenditure stated exceeds by more than \$50,000 the amount of the appropriation for last year. Was there something in the fund remaining from a preceding year?

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Minnesota?

Mr. ASHURST. Certainly.

Mr. CLAPP. There was undoubtedly an unexpended balance coming over, as this is a provision that is contained, I think, in every Indian appropriation bill with reference to this item. The Senator in charge of the bill, I think, was mistaken as to the amount appropriated last year.

Mr. ASHURST. I find on examination that I was mistaken.

Mr. CLAPP. It was \$335,000, which was a very large appropriation.

Mr. NORRIS. Well, there is \$125,000 left, and there was \$325,000 spent.

Mr. CLAPP. The appropriation was \$335,000—

Mr. NORRIS. Yes.

Mr. CLAPP. Which would cover the point raised by the Senator.

Mr. NORRIS. Not quite. The appropriation was \$335,000; they spent \$325,000, and yet they had \$125,000 left.

Mr. CLAPP. That was undoubtedly—

Mr. NORRIS. So there must have been \$115,000 which they got somewhere else.

Mr. CLAPP. No; \$90,000, which probably came over from the year preceding.

Mr. NORRIS. I was trying to find out where they got the balance of that money.

Mr. CLAPP. The act of the preceding year contains this same provision. I think it has been in the bill ever since I have known anything of the bill.

Mr. NORRIS. I want to ask a further question about it. These amounts are reimbursable?

Mr. CLAPP. Some of them are.

Mr. NORRIS. Well, they are reimbursable, as I understand, in all instances where the Indians have any money out of which reimbursement can be made.

Mr. CLAPP. Yes.

Mr. NORRIS. Account is kept, I presume, of how much is expended under this appropriation on each project?

Mr. CLAPP. Certainly.

Mr. NORRIS. And charged up against that particular tribe?

Mr. CLAPP. Certainly.

Mr. NORRIS. There was one question which I asked the chairman which he did not explain, and that was, Where is the money used?

Mr. CLAPP. That would require a detailed analysis.

Mr. NORRIS. I only want a general account of it. I merely want to get a general idea of where this money is expended.

Mr. ASHURST. Mr. President, there are five districts in which this money is expended. The first is called district No. 1. There are subdivisions of the district. Under district No. 1 there is the Yakima (Wash.) project, which has an area possible of irrigation of 5,000 acres. The area now irrigated by the Indians is 454 acres. The cost of the project to date has been \$59,285.22. There are many other important details which I will omit, because I presume the Senator would not care to have them all.

In the same district is the Round Valley (Cal.) project, concerning which I read the following:

Area to be affected, 5,000 acres.

Indians to be affected, 1,000.

Indians on the reservation, 1,528.

No expenditures from irrigation funds heretofore; some work has been done by the agency.

In that same district I find the Warm Springs Reservation, Oreg., concerning which I read the following:

Land that may be irrigated, 2,700 acres.

Indian allotments to be affected, 35.

No expenditures made for irrigation.

In the same district there is the Klamath Indian Reservation, Oreg.

Then, in district No. 2, under the heading "Nevada, repayment, reclamation charges, Carson Sink," I read the following:

Land irrigable, 4,640 acres.

Indians benefited, 463.

In the same district there is the project at Fort Lapwai, Idaho, concerning which the following figures are given:

Idaho, Fort Lapwai.

Expended previous to 1910	\$2,995.70
Water suit	1,318.93
Domestic water supply	201.12
Irrigation, 1914	599.75
Irrigation, 1913	119.24

Total expense 5,234.74

In the same district is the Moapa River project, Nevada, as to which the following appears:

Census	119
Acreage under ditch	625
Cultivated area	125
Total expenditures to date	\$8,200

In the same district I find the Pyramid Lake Reservation, Nev., concerning which I quote the following:

Total population	609
Cultivated by 200 Indians	1,000
Length of main canal	5 miles
Length of wooden flume	1,082 feet

In the same district is the Shivwits Reservation, in Utah, where \$500 is needed to maintain and operate a small ditch system furnishing water.

In the same district is the Walker River Reservation, Nev., with a population of 500 Indians, and an area to be irrigated, when the work is completed, of 6,000 acres.

In the same district (No. 2) is the Nevada and Idaho Western Shoshone Reservation, with a total number of Indians of 579, with 480 acres irrigated at the present time and an acreage estimated to be possible of irrigation of 30,000.

In the same district a miscellaneous expense of \$2,000 is required, which is intended to cover the expenses—salary, travel, and so forth—of the engineers and assistants incurred in the investigation of miscellaneous details at various points in the district.

In the same district is the Fort McDermitt Reservation, in Nevada, concerning which the following facts are given:

Number of Indians	340
Acres under ditch	350
Cultivated at the present time	285
Expended to June 30, 1914	\$3,500

Then I find the Wind River (ceded) Reservation in Wyoming, concerning which it is said:

On the ceded portion of the Wind River Reservation there are under privately constructed ditches approximately 7,350 acres of allotted Indian land.

That is district No. 3. In that district there is also a requirement of \$2,000 for a miscellaneous item for investigating the necessity, feasibility, and propriety of other projects.

Then there is the Gila River Reservation, Casa Blanca project, in Arizona, concerning which the following facts are given:

Number of Indians	2,500
Irrigated area under proposed project	25,000 to 35,000 acres
Cost when completed, per acre, approximately	\$25
Value of irrigated lands, per acre	\$150
Cost of completed project: Final estimate not complete, but will be approximately	\$750,000

Then, there is the Mission Reservation in California, concerning which I quote as follows:

These reservations include the Augustine, Cabezon, Torres, and Martinez.

Total population, 253.

Irrigated area under wells, 350 acres.

Amount expended on construction to June 30, 1914, \$28,844.

In the same district there will be found an item of \$13,000 for miscellaneous expenses for investigating the necessity and propriety of other projects for the benefit of the Indians.

Then, reaching district No. 4, an expenditure of \$10,000 is required in behalf of the nomadic Papagos. I quote as follows:

Number of Indians benefited, estimated, 4,500.

Country not reserved, but subject to squatter rights.

Amount expended to June 30, 1914, \$4,321.

I will not continue further along this line, but will send to the Senator a copy of the House hearings for his information. The matter is set out at some length there.

Mr. NORRIS. Mr. President, I should like to ask the Senator how much of this amount during the last year was actually reimbursed to the Government?

Mr. ASHURST. I am unable at this moment to give the Senator that information, because he will recall that the Indian appropriation bill making it reimbursable did not take effect until August 1, 1914. The estimates were made in October and manifestly there was such a short time between August 1 and October 1, that I have not the data, and it is not available now.

Mr. NORRIS. That is the act referred to in this paragraph?

Mr. ASHURST. Yes, sir.

Mr. NORRIS. I should like to ask the Senator a further question. I suppose that act will give us the information, but I do not happen to have it here, and I wish he would briefly let the Senate know how the fund is to be reimbursed.

Mr. ASHURST. These funds are reimbursed on various reservations in different ways. For instance, I have one reservation in mind where a reimbursable appropriation of \$15,000 was made for the purchase of stock for the benefit of the Indians. They repaid that reimbursable appropriation inside of six months.

Mr. NORRIS. Yes; I understand about the stock.

Mr. ASHURST. I have in mind another one—

Mr. NORRIS. But I mean, in connection with these irrigation projects, in what way does the Government get back the money that is appropriated in this particular item?

Mr. ASHURST. Does the Senator wish information as to how this specific appropriation is reimbursed?

Mr. NORRIS. Yes.

Mr. ASHURST. That comes about, as I said before, in various ways on various reservations. Upon some of them, as the Senator knows, some Indian lands are irrigated and some lands belonging to the whites. Frequently water rights are sold to the whites or leased to them, as the case may be. It seems to me wise that the whites and the Indians shall have water rights together in order that the Indians may learn the art of irrigation from the whites. These rights are sold under carefully safeguarded methods of procedure, and the funds thereby obtained are used to reimburse this reimbursable fund.

I have in mind also another place where the produce—the truck from the gardens—the crops are sold and a part of the proceeds thereof taken to repay the reimbursable appropriation; but the department has always been very careful not to be harsh with any Indian in an effort to secure a speedy repayment of the reimbursable funds.

Mr. NORRIS. I understood that sometimes it occurs where the Indians have no funds out of which the reimbursements can

be made—that there is in effect no reimbursement—but from the Senator's explanation I would get the idea that in all cases there would take place a reimbursement if at any time in the future there was produced off the land anything from which reimbursement could be made. Does this money become a lien in any way on the Indian's land or other property?

Mr. ASHURST. Well, that of course is a question of law the Senator propounds to me. In my judgment, it is not a lien that can be enforced by the Government or by any individual.

Mr. LANE. Mr. President, I understand that—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Oregon?

Mr. NORRIS. I do.

Mr. LANE. I understand that that is exactly what it is, and that has always been the explanation given to me, the land of the Indian, the entire reservation or so much thereof as may be in control of the Government, is pledged for the repayment of these funds to the Government. The way they proceed to recover the fund is by the sale of lands lying under the reclamation project to whites at a certain price fixed by the Government, as a rule.

Mr. NORRIS. This land is the Indians' land?

Mr. LANE. It is the Indians' land. The Indians' land is pledged for the loan made by the Government. It is complained by many Indians that the lands of those Indians who have been given allotments upon high ground which never can be irrigated are also held for repayment with the lands of those Indians whose allotments are made under the ditches. The department is trying to correct that; but the fact, as I understand it, is that the money is repaid from the sale of the Indian's land. The Indian is allotted small tracts, such as he is considered capable of farming, and his reservation is restricted by the amount of land which is sold to pay for the irrigation scheme.

Mr. ASHURST. Mr. President, if the Senator will pardon me a moment, if he will give his attention to the amendment, commencing on line 23, page 3, which I will ask the Secretary to read, he will see exactly that it is set out how returns shall be made.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

*Provided further*, That hereafter the proceeds of sales of material utilized for temporary irrigation work and structures shall be covered into the appropriation made therefor and be available for the purpose of the appropriation: *Provided further*, That the rights of the United States to water for use on Indian reservations are hereby confirmed for use on land to Indians in severalty: *Provided further*, That for lands irrigable under any irrigation system or project within the jurisdiction of the Bureau of Indian Affairs, the Secretary of the Interior may fix maintenance and operation charges, which shall be paid as he may direct, such payments to be available for use in maintaining and operating the project or system for which collected: *Provided further*, That irrigable land allotted to Indians in severalty may be leased for cultivation under irrigation for a term not exceeding 10 years, in the discretion of the Secretary of the Interior, and he is hereby authorized to perform any and all acts and to make such rules and regulations as may be necessary for the purpose of carrying this provision into full force and effect.

Mr. PAGE. Mr. President—

Mr. LANE. That is a new provision, is it not, Mr. President?

The PRESIDING OFFICER. The Senator from Nebraska was recognized. Does he yield to the Senator from Vermont?

Mr. NORRIS. I yield to the Senator from Vermont.

Mr. PAGE. Mr. President, I want to say, in regard to the provision which has just been read, that the Indians are very much dissatisfied with this provision. They say that the returns from rental belong to them. This provision directs that they be used for maintenance and operating charges of the irrigation system. I have an idea that they feel that this law is not constitutional; that it is contrary to treaties; that it is open to the objection that it is defrauding them of property which they actually own.

Mr. President, the Senator from Minnesota says that the rents go to them. I read:

*Provided further*, That for lands irrigable under any irrigation system or project within the jurisdiction of the Bureau of Indian Affairs the Secretary of the Interior may fix maintenance and operation charges, which shall be paid as he may direct, such payments to be available for use in maintaining and operating the project or system for which collected.

Mr. CLAPP. Mr. President, will the Senator pardon me a moment? That is true. That is for the cost and maintenance and operation of the system. Then the same section goes on to provide:

That irrigable land allotted to Indians in severalty may be leased for cultivation under irrigation for a term not exceeding 10 years, in the discretion of the Secretary of the Interior, and he is hereby

authorized to perform any and all acts and to make such rules and regulations as may be necessary for the purpose of carrying this provision into full force and effect.

The provision does not take the rental of the Indian's individually allotted irrigable lands away from him. There are two provisions here.

Mr. PAGE. What is done with that?

Mr. CLAPP. Why, that would naturally go to the Indian, of course. It would require no law. The moment an Indian is allotted a piece of land and the Government leases that land, without any law at all, the rental goes to the Indian, unless there is some specific provision to divert it. Now, the provision for the cost of maintenance is found in lines 4 to 10, which apply to the cost of maintenance and operation. That is for lands that may be taken by white people as well as Indians; but whenever the Indian's allotted irrigation district is leased, the rental would go to the Indian.

Mr. PAGE. Mr. President, the Senator may be right, but here is the language. It reads very plainly, and yet it is certainly ambiguous if the Senator from Minnesota is correct:

*Provided further*, That the rights of the United States to water for use on Indian reservations are hereby confirmed for use on land to Indians in severalty: *Provided further*, That for lands irrigable under any irrigation system or project within the jurisdiction of the Bureau of Indian Affairs the Secretary of the Interior may fix maintenance and operation charges, which shall be paid as he may direct, such payments to be available for use in maintaining and operating the project or system for which collected.

It is true that after the lands have been allotted the Indian receives the benefit from the rental, but in the case of the land owned in severalty he does not.

Mr. CLAPP. Why, Mr. President, there is no authorization for the leasing of irrigated lands owned in severalty.

The PRESIDING OFFICER. The Chair will state that the question before the Senate is the adoption of the amendment in line 7, page 3. Is there objection to that amendment?

Mr. NORRIS. Mr. President, I was using this amendment in an endeavor to get some information in regard to the matter, which I think is perfectly proper.

Mr. FALL. I do not think it is possible to vote intelligently upon the amendment now pending unless this entire provision is understood. It all goes together.

The PRESIDING OFFICER. The Chair was simply calling attention to the fact that the second amendment, and not the one now pending, was being discussed.

Mr. FALL. Mr. President, I do not know who has the floor. The PRESIDING OFFICER. The Senator from Nebraska [Mr. NORRIS] was recognized and yielded to the Senator from Vermont.

Mr. FALL. Will the Senator yield for a moment?

Mr. NORRIS. I am perfectly willing to yield the floor. I am simply trying to get some information about this matter.

Mr. FALL. I simply want to ask a question along the line of that asked by the Senator from Minnesota. It seems to be the impression of that Senator that the irrigable lands held in severalty are not leased. The last portion of this amendment distinctly provides that they shall be leased. It does not provide that they may be leased by the Indian, but provides that they may be leased by the Secretary of the Interior; nor does it provide who shall receive the benefit of any such lease at all. The Senator's idea is that without such provision the proceeds of the lease naturally go to the Indian. Now, without such provision the natural supposition would be that the Indian had the right to lease his own lands which belong to him, and possibly with the approval of the Secretary of the Interior; but this provision does not cover that at all. By this provision the Secretary of the Interior makes the lease, and not the Indian at all.

Mr. CLAPP. First, I want to correct my statement, if I used the word "severalty." I meant in tribal ownership, of course.

Mr. PAGE. Yes; that is correct.

Mr. CLAPP. That was an inadvertence. As to the other point, in the first place, to answer the question of the Senator from Nebraska, you have got to take into account the language on pages 3 and 4, and also the provisions of the act of August 1, 1914. The two of them read together make the provision for reimbursing this fund.

There could be no objection if any Senator desired to put in here a provision that this rental shall go to the allottee; but I do take it as elementary that where the Government leases the allotment of an individual Indian, in the absence of some provision authorizing the diversion of that rental money or lease money, it, of course, would stand to the credit of the individual allottee. There could be no objection, however, to a specific provision to that effect.

Mr. FALL. Mr. President, before the Senator takes his seat I want to suggest to him that, as this amendment stands, if

adopted, the Indian himself has no voice at all in the leasing of his several allotment.

Mr. CLAPP. Because most of these Indians are Indians who are still under restrictions.

Mr. FALL. Then, why is it, Mr. President, that they put in this provision on lines 2 to 4?

Mr. CLAPP. That is, for the Government to make the application for the water in order to protect it for the use of the Indian.

Mr. FALL. That is exactly what it is not for, as I understand it. It is confirmation by Congress of the waters which might have belonged to the Indian had his allotment remained upon the reserve. In the event that a portion of the reserve, for instance, is thrown open and becomes public land, and settlers locate upon such public land, and there has been no appropriation of the waters for use upon these lands which were formerly allotted, but which have now become part of the public domain, the Indian is entitled to his allotment upon them. No appropriation has been made of any kind or character whatsoever. An appropriation may have been made under the law of the State, and beneficial use may have been had of these waters for 10 years by some citizen of the United States, and now you are confirming to the Government the right to take away from that citizen the rights which he has acquired under the local law and by custom and by actual use.

Mr. CLAPP. Why, no, Mr. President.

Mr. FALL. Then I should like to know what it is for.

Mr. CLAPP. I will tell the Senator. Congress can not change the law of appropriation of water nor interfere with the right. These appropriations are made for irrigation projects, and, of course, the water can not be appropriated in the first instance by the Indian Department or the United States acting through the Indian Department for the Indians' use in severalty. It is a general appropriation of the water of a stream by an irrigation project.

Mr. FALL. Under what law, Mr. President?

Mr. CLAPP. Under the law of the State, of course. It must be under the law of the State.

Mr. FALL. I will answer the Senator. If he does not want me to interrupt him now I will answer him later. I do not want to interrupt the Senator, but we want to get at the truth of this thing, and the law. I shall undertake to show what it is, and what the custom is, when the Senator completes his statement.

Mr. CLAPP. Now, in order that these rights may be confirmed to the Indians in severalty, they not being citizens clothed with the power of citizenship as individuals to acquire the rights, most of them still being subject to a limitation upon alienation, this provision is put in here not that the rights of anybody else, not that the rights of a prior appropriator of the water, but "that the rights of the United States to water for use on Indian reservations are hereby confirmed for use on land to Indians in severalty."

Mr. PAGE. Mr. President, I do not object to any part of this language on the bottom of page 3 and the top of page 4 until we come down to the proviso on page 4.

I know that the Indians believe that we are wronging them by this provision. It is hardly necessary to say to the Senate that the Indians believe that in many of these matters of legislation they are practically without representation here. They feel that the white man is represented here by his Senator or his Representative. They complain, and I think justly, that the net result of this legislation is against them. For one, I want to protest against this class of legislation in general, such as we have commenced here in this bill to-day.

It seems to me very clear that in this proviso, from lines 4 to 16, we are legislating in an appropriation bill; and I make the point of order that it is legislation on an appropriation bill.

Mr. NORRIS. Mr. President—

Mr. CLAPP. Mr. President, I hope the Senator will withhold that point. Just see the position it puts this matter in. We are making provision here for irrigation out of certain funds, and we make these funds reimbursable.

Mr. PAGE. I will withhold the point of order temporarily.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. The Chair will state that we have not yet reached the amendment to which the Senator has addressed his point of order. The question before the Senate is the adoption of the committee amendment on page 3.

Mr. FALL. Mr. President—

The PRESIDING OFFICER. The Senator from New Mexico. Mr. FALL. The Senator has said that the United States makes appropriations of these waters under the local laws. I want to say to the Senator that there are three cases pending now in the United States courts—one in the United States court for the southern district of Colorado—in every one of which

the United States has absolutely denied the jurisdiction of the local tribunal. The Interior Department have recently adopted that theory, and they are fighting every step of the attempt of a State to maintain its jurisdiction over any of the reclamation projects or any of the projects on an Indian reserve. They are objecting to the jurisdiction of the State courts, although the State laws provide the methods by which water rights may be obtained by the United States or by anyone for whom they are acting, or by individuals, and insisting that the United States is not subject to the local rules and regulations. They have insisted upon their right to remove every case from the State courts to the Federal courts for trial, not under the State laws; not under the local laws. Although the reclamation act directly provides that the United States shall operate under the local laws of the States, the Interior Department have filed objections in every case pending, with one of which I am thoroughly familiar, because it comes from my own State, to the jurisdiction of the State courts. Although Congress itself has said that they must submit to such jurisdiction, that case is now pending. The question has not yet been decided; but instead of complying with the local rules and regulations there they arrogate to themselves the right to make laws by means of the rules and regulations of the Secretary of the Interior in defiance of the laws of Congress.

The Senator is mistaken again, if I can read the English language, about the last proviso—the one to which the Senator from Vermont is referring as being objectionable to the Indians. Instead of being allowed to receive the proceeds of the lease of their allotments in severalty, they are being deprived of some of their rights, because the Secretary of the Interior invariably takes a portion of the amount derived from the lease of those lands for the maintenance and operation of the ditch, whether it is a severalty allotment or whether it is the land in general under the irrigation proposition before it has been allotted. That is the process through which they are going; and the Secretary of the Interior here, by this provision, has the sole right to lease the severalty allotment of the Indian, although it may be as much his land under the law as is the farm owned by the chairman in his own State or land owned by the Senator who is defending this provision. There is no provision here that the Indian has any voice in the lease of his allotment. Who leases it? Under this provision the Secretary of the Interior. There is no requirement that the Indian shall be even consulted about his allotment. Under the broad wording of this section the Secretary of the Interior can take the allotment of any Indian made in severalty, and upon which he is now living, away from him and lease it for the full period of 10 years, and dispose of the proceeds in his discretion. That is the wording of this amendment.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER (Mr. WHITE in the chair). Does the Senator from New Mexico yield to the Senator from Minnesota?

Mr. FALL. I have not concluded yet. I want to say, Mr. President, that I am a member of the Committee on Indian Affairs, but I was not present at the time these provisions were put in this bill. I was absent from the city. I construe the legal effect of the first proviso, commencing in line 1 and ending in line 4, on page 4, in a different way from the Senator from Minnesota. I do not agree with his legal conclusions upon that proposition, as I said a few moments ago in interrupting him.

I want to protect the Indian absolutely in every right which he has. I want to protect him in his property, and at the same time I want to protect the citizens of the United States on the public domain of the United States. As it happens, with due respect to the Senator, whose great ability and familiarity with questions of this kind I fully recognize, I have been dragged through the United States court in just exactly such a matter as will be covered by this provision.

There are two or three suits which have been instituted by people in my State to quiet the title to their water appropriation. In one case the Indians on the Mescalero Apache Reservation were allowed, or compelled, by their agents to construct new ditches for the use of an additional amount of water which never had been used by the Indians. More than 50 years before that a settlement had been made by citizens of the United States at the mouth of the canyon down which these waters ran. A town had been established, a town site selected under the laws of the United States, lands taken up under the desert-land act and acquired under the homestead act and other public-land laws of the United States. Appropriations for every drop of water had been made and the water had been beneficially used by the appropriators, citizens of the United States. About 8 acres of land had been cultivated by the Indians, as to which they had a prior right to the use of the water, or a

right equal to the rights of these appropriators below. Fifty years afterwards citizens are compelled to bring suit to establish their right to any water whatsoever. Ditches were taken out on the Indian reserve, carried up on the sides of the mountains, carried over the divide so that the waters used would never find their way back into the natural drainage, and the people below were deprived of the use of the water even for drinking purposes.

Suit was brought and finally an adjustment was had. The people were compelled to submit. They could not fight the United States Government. They were compelled to submit. The Indians acquired the use of 50 times as much water as they had ever appropriated or beneficially used, and it took away from the people below. Every step in that suit was fought by the attorney for the United States, and finally the question was raised as to the right of any one to sue the Indians, who had not been allotted their lands in severalty, because they had not received leave to sue the United States, and that, as a matter of fact, a suit against Indians in the position of the Mescaleros was a suit against the United States; and under threats of this character the people were compelled to sign a stipulation deeding away their rights. I am not going into details to show the injustice of it and that there were sufficient lands upon other portions of this reserve.

If the construction which the Senator places upon this proviso contained on page 4, to which I have just referred, is correct, then there is no need whatsoever for the proviso. If the law is as he states it there is no necessity whatsoever for putting in this proviso. If this proviso does not do exactly what I said it did where an allotment has been made, various reserves have been thrown open—one of the reserves of which the Senator is speaking and concerning which we have heard so much recently and for which one of these reimbursable appropriations is now being used. A portion of the reserve has been thrown open after allotments have been made. Then it becomes public domain, except that the Indians have their segregated allotments. Citizens have filed there upon lands and upon water rights, and the effect of this amendment, as I construe it, would be to say that citizens who have acquired prior rights to water would now be deprived of it because at some time the United States had jurisdiction over those waters.

Mr. CLAPP. Mr. President—

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. CLAPP. I can not understand how there is any conflict between the Senator and myself as to the law upon this subject.

Mr. FALL. There is not if the Senator agrees with me.

Mr. CLAPP. I think I agree with the Senator. My statement was that we could gain no rights against prior appropriations by this act or any act that we passed; that the purpose of this provision was that where the Government had made this appropriation by laying out and instituting an irrigation project it carried over to the individual Indians, when they came to have their allotments made of the irrigable land, the water rights that the United States acquired.

Now, I do not think the United States—and I am not responsible for these suits that are being brought, of course—can add anything to its rights against either a State or prior appropriation by the citizens of a State of the water of a river.

Mr. FALL. Suppose, however, that after waters have run off the reservation and have been acquired under the local laws and customs by appropriators and have been beneficially used until even the statute of limitations has run in favor of the appropriators the United States Government lays out a system of irrigation on the Indian reserve, the stream upon which the prior appropriations have been made by the citizens arising on or running through the Indian reserve. The United States Government, then, without going before the local tribunal and making its appropriation exactly as the American citizen has to do, simply lays out, under authority of Congress, an irrigation scheme upon the reserve. Suppose they take all the water, what is the recourse of the citizen?

Mr. CLAPP. Above the place where appropriation has actually been made by a citizen? Could they do that?

Mr. FALL. They do do it.

Mr. CLAPP. I am not speaking of what they are trying to do. I am speaking of their legal rights.

Mr. FALL. Well, then, what is the recourse of the citizen if they do?

Mr. CLAPP. I suppose he would have to go to law.

Mr. FALL. How are you going to sue the United States? In what tribunal? Where? Under what law?

Mr. CLAPP. The citizen could sue the individual property owner when the land was divided up.

Mr. FALL. Exactly; and you can sue the United States with the permission of the United States, and without it you can not.

Mr. CLAPP. But it does not seem to me that this enlarges one iota—

Mr. FALL. Well, then, let us leave it out.

Mr. CLAPP. No; for this reason: I have no more interest in it than the Senator has.

Mr. FALL. Certainly not. I understand the Senator has no personal interest in it.

Mr. CLAPP. We both want the same thing, of course; but it occurs to me that where the Government has gone on and made this project, laid it out and initiated it, it may be desirable, in transferring and dividing up that project, segregating it, and making the allotments to the individual Indians, that the use of the water which the Government obtained through the Indian Office with the Indian tribe by the general system that it initiated is transferred to and confirmed in the individual Indian. That is my understanding of the situation.

Mr. FALL. Let me give the Senator a concrete illustration of just what the United States is doing.

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New Mexico?

Mr. CLAPP. Certainly.

Mr. FALL. To refer again for a moment to the reclamation act, under the general reclamation act, under the provisions of which the Government is constructing reservoirs and irrigating lands in the western country, it is specifically provided by Congress that the Government of the United States must subject itself to the local jurisdiction. Very well. In the case of the Hondo project in New Mexico—which is an absolute, miserable failure, after costing the taxpayers of this country several hundred thousand dollars, and it is so admitted—a suit was brought, and the local rules and regulations as to water rights invoked by the people of New Mexico, and the jurisdiction of the court denied and the jurisdiction of the State denied. That case is now pending, and I am informed directly from the Interior Department that they propose to take that position in every case of the kind hereafter arising. That suit is now pending in the southern district of Colorado.

Mr. CLAPP. Would that have relation to the language here?

Mr. FALL. Oh, no, Mr. President; it would not, because here we do not even provide that the local jurisdiction shall remain in the State courts. We are not guarding the rights of the people here, as we did in the reclamation act, by compelling the United States to comply with the local rules and regulations and submit their case to the local courts. In that act we did so. That act, however, has been defied, and in this act we do not attempt to do it.

Mr. CLAPP. Taking the individual cases to which the Senator refers, is there anything in this language that relates to those cases?

Mr. FALL. The Senator asks me a question which I will answer frankly. I think there was some case of exactly this kind in the mind of whoever drew this amendment or whoever inspired it; that there is some conflict, and necessarily must be, between the parties as to prior appropriations, and that they are now taking it out of the jurisdiction of the local tribunal.

Mr. ASHURST. Did the Senator address an inquiry as to the committee amendment?

Mr. FALL. No; I said it must be intended to cover a case of that kind—to take away from the local court jurisdiction they otherwise would have.

Mr. CLAPP. I can not spell out of this language any jurisdictional question, that the rights of the United States to water for use on Indian reservations are hereby confirmed for use on lands of the Indians in severalty.

Mr. FALL. How long do those rights last, rights which the United States may have that may be disputed by other appropriators? There may be a disputed question of right. You are confirming a right to one party as against the contestant, and then you are putting him in a jurisdiction foreign to his State.

Mr. CLAPP. There are two questions now involved by the Senator's statement. I will take them in the inverse order in which they were stated. I do not see how we would give jurisdiction. If there are disputed rights, unless the right is in the United States, it is not confirmed.

Mr. FALL. Congress can confirm a right upon an Indian reservation, because Congress has jurisdiction at this time upon the Indian reservation. Congress has undertaken in such cases as I have mentioned to confer jurisdiction on the local courts, and that power of Congress has been defied. Now you are undertaking to absolutely deprive the local court of jurisdiction to try these cases at bar.

Mr. CLAPP. Let me ask the Senator this question: The Government, through the Indian Office, we will say, has at-

tempted to make an appropriation of water upon a stream from which water may be drawn for irrigation, but it has failed to comply with the law, or there are alleged prior appropriation rights existing. Now, does the Senator claim that Congress can settle that question by an act using the language confirming the right? Clearly not. If that appropriation has not been made according to law it is not valid. If there are conflicting rights which under the law have precedence over the attempt of the Government to appropriate the water no act of Congress can settle that controversy.

Mr. FALL. Mr. President, let me ask the Senator, why does he want this act? What is the purpose of it?

Mr. CLAPP. As I said before, the Indian Department, acting for a tribe collectively, makes an effort at the appropriation of water and initiate an irrigation project. That is done for the tribe. In the course of time the tribal relation is dissolved, especially as to the ownership of property, and this land that has been placed under irrigation is divided up into 20, 40, or 80 acre tracts and each tract allotted to an Indian in severalty. Now, that the right which the Government secured by the appropriation, by the initiation of the irrigation project, may pass to the allottee in his individual capacity, this provides that the rights of the United States to water for use on the Indian reservation are hereby confirmed to the use of the land that the Indian holds in severalty. That is evidently the purpose of the provision.

Mr. FALL. Evidently.

Mr. GRONNA. Mr. President—

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. CLAPP. I am taking a good deal of the time of the chairman of the committee.

Mr. GRONNA. I was just going to say to the Senator from Minnesota that we are discussing an amendment which begins at the bottom of page 3 and ends at line 16, page 4. I believe there is some objection to that amendment. It is claimed that it violates property rights and takes Indian allotments for lease without their consent.

Mr. CLAPP. I will answer that.

Mr. GRONNA. The question before the Senate is the amendment on page 3, line 7. That has not yet been disposed of.

Mr. CLAPP. Of course this law proceeds upon the theory that as to an Indian whose right of alienation has not become perfect and to whom there is a restriction upon his right of alienation the authority to lease is vested in the Secretary of the Interior. I think every law that has ever been passed for the leasing of the land of an Indian who is still subject to restriction vests the authority in the Secretary of the Interior.

Mr. STERLING. Mr. President, I wish to ask the Senator from Minnesota if he is quite sure as to the last proposition that this pertains only to lands allotted but which have not yet been patented? Does not the broad language of the last provision exclude that idea so that it will pertain to any Indian lands that are held in severalty, whether patented or not?

Mr. CLAPP. It could not. Certain laws become self-operative. If an Indian has had his restrictions removed and has his final patent in fee as distinguished from a trust patent, Congress could not reach over and take jurisdiction of that Indian's property with reference to leasing or selling. Congress must do that within the period of restriction prescribed or existing by previous extension of the time of restriction.

Mr. TOWNSEND. Mr. President, I desire to call attention to the last proviso in this proposed amendment. We have had some trouble on the Crow Reservation in reference to the leasing of the tribal lands which also included the leasing of the allotments of the Indians. It occurs to me, Mr. President, that this proposition may be desirable providing it has the approval of the Indian allottee.

I was not present in the committee, evidently, when this amendment was adopted. If I had been, I certainly should have objected to a general provision to lease the irrigated allotments of Indians without the consent or approval of the allottee. I have always assumed that when we irrigated Indian lands we did it for the benefit of the Indian; that we did it with the idea that the Indian was going to take advantage of his allotment and farm it. Yet here is a proposition which will permit the Secretary of the Interior to lease the allotments of the Indians which have been irrigated without any approval even of the owner of the allotment.

Mr. BRYAN. Mr. President—

Mr. TOWNSEND. I yield to the Senator from Florida.

Mr. BRYAN. Mr. President, I observe that this bill is full of general legislation. The Senator from Michigan is a member of the committee?

Mr. TOWNSEND. I am a member of the committee.

Mr. BRYAN. Why does he not raise a point of order on this general legislation?

Mr. TOWNSEND. No; I do not know that I am prepared to raise it. I am not objecting to it generally. I want to amend the provision, however. I want a provision which will require the consent of the owner of the Indian allotment before his land is leased.

Mr. CLAPP. Before the Senator from Florida makes his point of order will he let me explain this provision, and I believe he will see not only the right of it but the necessity of this supplemental legislation.

Mr. BRYAN. Mr. President, it is only to save time.

Mr. CLAPP. Time!

Mr. BRYAN. Yes; time is valuable. Other Senators have told me they intend to raise a point of order, but they are withholding it so that Senators may debate the bill, in which there is legislation on almost every page.

Mr. CLAPP. Let me tell the Senator what will happen.

Mr. BRYAN. Just a minute. I know very little about the Indian appropriation bill, but I see that it is full of general legislation. It is my understanding that if this general legislation is to be discussed, it will take two or three days to pass this bill. It would take very little time to make the appropriations. There is a place for general legislation, and, as a rule, it is not upon appropriation bills.

I want to say to the Senator from Minnesota that two or three Senators have told me that when this discussion is over they propose to raise a point of order. If it is to be done, why not do it now?

Mr. CLAPP. When they come to realize what the point of order means it may be they will not make the point of order. Will the Senator let me explain it for just a moment?

Mr. BRYAN. I will listen to the Senator if he does not talk very long. If he undertakes to make a long speech, I am going to raise the point of order if no one else does.

Mr. CLAPP. Mr. President, I have no more concern in the point of order than the Senator from Florida has. We have taken the property of the Indian, and we have advanced to a certain point with that property. We have started irrigation projects on these lands under a law that makes the cost of the project reimbursable from the funds of those Indians. Now, as those projects have developed and have reached a point where the land is to be utilized, if an Indian is unable to utilize his irrigation allotment he either will lose it, or at best certainly will lose the benefit of it, unless at this point in the development of the plan we authorize the leasing.

I want to say to the Senator from Michigan [Mr. TOWNSEND] that I am in hearty accord with his proposition to make it subject to the approval of the allottee. I think it is a good time to change that principle in legislation.

If the Senator from Florida will bear with me a moment further, this provision on page 4 also provides the details of the manner in which this reimbursable provision shall be worked out.

Now, I want to say another word.

Mr. BRYAN. Let me ask the Senator if we have reached the amendment at the top of page 4?

Mr. CLAPP. In one sense, no; except the provision at the bottom of page 3 and top of page 4 is interwoven with the amendment on line 7 of page 3. It was to save time that they were discussed together.

Mr. BRYAN. Is the Committee on Indian Affairs divided on this amendment?

Mr. CLAPP. Not in the slightest, except that it has occurred, as it always occurs in a process of development of a matter, that the Senator from Michigan would put in the words "with the approval of the allottee." I do not think there is a member of the committee who would object—

Mr. ASHURST. There is no objection to the amendment.

Mr. BRYAN. Let us see if the amendment will be agreed to.

Mr. CLAPP. Certainly it will be agreed to. I want to say to the Senator—

Mr. BRYAN. I wish to say to the Senator before he says anything to me that I have seen these Indian appropriation bills take a week for discussion.

Mr. CLAPP. Undoubtedly.

Mr. BRYAN. It has never been upon the items of appropriations. The bill for several years has been loaded down with general legislation, and in the economy of time a point of order should be made. We can not stay here three or four days considering the merits of the general legislation. In matters upon which the committee are agreed, if they are matters of importance, it might be well enough to waive the point of order; but if hours and hours are to be taken up in discussing general legislation, in the interests of time I am not going to sit here and submit to it; I am going to raise a point of order.

Mr. CLAPP. I say to the Senator from Florida, I think if there is a committee in the Senate where a man does penance in serving on it, it is the Committee on Indian Affairs. We are projecting ourselves constantly along a pathway we must more or less experiment upon. We have no given landmarks in advance.

Now, when you take the Indian in his tribal relation, where he is receiving every year so many annuities, so many pounds of pork and so many pounds of salt, it requires little legislation to administer his affairs, but when you segregate those Indians and put them on individual allotments, and take them by the hand and loan this one a little money and loan another some money to buy machinery with, and individualize the Indians, it requires a great deal of constructive legislation; and I think the Senator will bear witness it is impossible to get that legislation except upon an appropriation bill.

Mr. BRYAN. I can not agree to that altogether.

Mr. TOWNSEND. The Senator will allow me to add in addition to what he says, I am no more in sympathy with delays than the Senator is, but here is a particular bill where there are certain things necessary to be done every year in connection with appropriations. Each new appropriation presents a new problem. If you are going to carry it out you have got in some way to protect the rights of the Indians. That, it seems to me, is absolutely necessary in the consideration of a bill of this kind.

Mr. BRYAN. That is one of the reasons I had in mind in addition to saving time. It does not seem to me that it is fair and just to the Indians in the consideration of an appropriation bill to put on legislation of a general nature that might vitally affect their interests and their rights.

Mr. TOWNSEND. That is true, and they ought to be guarded. But we have also in this bill treaty items. We have practically to legislate in reference to appropriations in connection with treaty items.

Mr. ASHURST. Will the Senator yield to me? I do not believe there is any opposition to the amendment proposed by the Senator from Michigan.

Mr. LANE. There is.

Mr. ASHURST. Very well, I will withdraw the suggestion.

Mr. LANE. I will say I do not think it cures the defect. I understood that there will be a point of order raised against this provision. I have been informed it does not cure the defect for the reason that the power is placed in the hands of the Secretary of the Interior to fix the maintenance and operation charges and that can be done in such a manner under administrations such as we have seen that it would be disastrous.

Mr. TOWNSEND. Does not that apply to the administration of irrigation projects?

Mr. LANE. Yes.

Mr. TOWNSEND. Somebody has to do that. It has to be fixed by somebody.

Mr. LANE. I know; and so I say it has been done in the past in a way that has been disastrous to the Indian.

Mr. TOWNSEND. Unless that is done there can be no use of irrigated lands for an Indian.

Mr. LANE. Not unless you let him take care of himself.

Mr. ASHURST. Question!

Mr. LANE. Unless you turn it over to him and let him manage it through a council and fix his own charge.

Mr. JONES. With reference to the merits of allowing this land to be leased for 10 years, I wish to ask the chairman of the committee whether the department is in favor of this proposition?

Mr. ASHURST. Mr. President, I rose a moment ago to state and should have stated before that this proposed amendment was drawn by the Interior Department, submitted to the committee as it now is, and was urged by the Interior Department.

Mr. JONES. I will state the reason why I asked the question.

We have a law under which the agricultural lands of the Indians may be rented for a period not exceeding 5 years. We have had that law for a long time. A good many years ago I got a provision passed allowing the leasing of allotted land on the Yakima Indian Reservation for not more than 10 years. Yet we have never been able to get a single lease approved for a period of 10 years. The department has refused to do it. It has been the policy of the Interior Department heretofore not to approve leases for any such term as that. That is the reason why I asked the question of the chairman. I wondered whether they had changed their ideas about it.

Now, I want to make a little further inquiry. In view of the language of this provision, which is not exactly as I thought at first, this thought has been suggested: Before the Indian was left out entirely in making leases when the department wanted to do it. I do not think that ought to be done. I

want to say the great complaint which comes from the Indians on the Yakima Indian Reservation—and I refer to that because I am more familiar with it, as it is close to my home—is that they want to have the handling of money that comes from their leases.

Mr. ASHURST. I have just said that, as far as I am concerned, I have not the slightest opposition to such an amendment.

Mr. JONES. There has not been such an amendment suggested.

Mr. TOWNSEND. I propose to offer it.

Mr. JONES. I understood that the lease should be approved by the Secretary; but that does not dispose of the lease money. Here is the way they do on the Yakima Indian Reservation. They let an Indian have \$5 a month or \$10 a month, or whatever they think they ought to let him have. He complains of that. He thinks this land has been allotted to him and it is his. Some of those Indians have had their allotments for 10, 12, or 15 years, and they are pretty good business men. Yet they get only the small amount dribbled to them month by month and month by month, and they do not like it. I do not blame them for not liking it. So I thought it would be a much better policy if the Secretary would allow these Indians to have their rent money at least, unless they are dissipated or using it especially for that purpose. The leases on the Yakima Reservation, it is my recollection of the law, are made by the Indians simply subject to the approval of the Secretary, and the Secretary proposes such terms as he sees fit. At least the Indian ought to be first consulted with reference to the lease. He ought to make the lease, as a matter of fact.

Mr. TOWNSEND. I have no objection to that, but I do not want to offer the amendment if what the Senator from Florida says is true, that there are Senators here who are going to make a point of order on the proposition. If we are sure we can put it through, I should like to offer to perfect the amendment, because I think it is a most important one and quite important to the welfare of the Indian; but, as I said, I do not care to do it if there is to be a point of order made against it, because it is my judgment that it would be time wasted.

Mr. MYERS. I observe that the chairman of the committee awhile ago called for the question. I want to know what is the question? What amendment is before the Senate to be voted on?

The VICE PRESIDENT. The amendment on page 3, line 7.

Mr. MYERS. Why not vote on it and get it disposed of before we go to the next amendment? I suggest that we vote on the amendment.

The VICE PRESIDENT. The question is on agreeing to the amendment. Without objection, the amendment is agreed to.

Mr. FALL. Mr. President, the Senator was prepared to make a point of order, and if he does not do so I shall.

Mr. BRYAN. That is different, Mr. President.

Mr. FALL. I say I will make the point of order unless the Senator does.

Mr. BRYAN. If the point of order is going to be made, why not make it now, instead of waiting an hour or two? That is the point I have in view.

Mr. FALL. The amendment has not been read, I will say to the Senator. There is no desire on the part of the Senator from New Mexico to take up time. When we reach this provision which is subject to the point of order, I shall make it. It has not as yet been read, and so I have not yet made it. This provision has only been read for information, as I understand. Has the entire section been read?

Mr. ASHURST. Yes, sir.

Mr. FALL. Then I make the point of order, Mr. President, against the proviso from the top of page 4 down to and including line 16 on the same page that those two provisos are general legislation.

Mr. LANE. At what point is that?

Mr. FALL. I refer to the two provisos beginning in line 1, on page 4. To the balance of it I have no objection at all.

Mr. THOMAS. Does that begin on line 4?

Mr. FALL. On line 1, page 4, of the two provisos, down to and including line 16 on that page. I make the point of order that it is general legislation.

Mr. JONES. I want to suggest that this is not only an appropriation bill to appropriate money, but it is to fulfill treaty stipulations with various Indian tribes. Therefore legislation to carry out those treaty stipulations would be in order on this bill.

Mr. BRYAN. This is an appropriation bill.

The VICE PRESIDENT. The only question in the mind of the Chair is that this seems to be a point of order raised to a part of the amendment.

Mr. FALL. There are three distinct propositions. If the Chair will permit me for a moment, I think I can explain it.

The VICE PRESIDENT. Does the Senator from New Mexico ask for a division of the question?

Mr. FALL. Yes.

The VICE PRESIDENT. The Senator raises a point of order on the proviso from line 4 to line 16.

Mr. FALL. On the provisos on page 4 from line 1 to line 16.

The VICE PRESIDENT. The Chair will sustain the point of order as to its being general legislation. The question is on agreeing to the first proviso. [Putting the question.] The ayes have it, and it is agreed to.

Mr. FALL. Did the Chair overrule the point of order?

The VICE PRESIDENT. No; the Chair sustained the point of order.

Mr. FALL. Then I understand, if the point of order is sustained, the provisos are out.

Mr. CLAPP. Mr. President, I invite the attention of the Chair to the language on page 3, line 5, which is "reimbursable as provided in the act of August 1, 1914." That act provided that where the Indians had funds the reimbursement should be made out of those funds. The proviso, at least from line 4 to line 10, it seems to me, is carrying out the provisions of an existing law, furnishing the detailed method by which the reimbursement may be made.

The VICE PRESIDENT. There can not be any question of doubt that it is general legislation. It is in reference to how the irrigable lands of the Indians are to be allotted in severalty—the leases for cultivation, and all that.

Mr. CLAPP. General legislation, I understand, is not objectionable if it is for the purpose of carrying out the provisions of an existing treaty or of an existing law.

The VICE PRESIDENT. That has reference to an appropriation. It has not any reference to general legislation at all. The point of order is sustained.

Mr. SMOOT. Mr. President, I want to ask the Senator having the bill in charge—the point of order having been sustained—does he still believe that the first part of that amendment should be agreed to? I refer to that part which reads as follows:

*Provided further, That hereafter the proceeds of sales of material utilized for temporary irrigation work and structures shall be covered into the appropriation made therefor and be available for the purpose of the appropriation.*

Does the Senator desire that part to remain in the bill, the other part having been stricken out?

Mr. ASHURST. That is the same provision that was in the appropriation bill of last year, and I trust the Senator from Utah will not make the point of order against it. I believe it is necessary to carry into full force and effect the provisions of the law. I therefore hope the point of order will not be made.

Mr. SMOOT. I did not rise to make the point of order; I rose for the purpose of asking the Senator, seeing that the point of order had been made on the remainder of the amendment, whether he really thought it was advisable to keep the first part of the amendment in the bill?

Mr. ASHURST. I think it is advisable to retain it.

Mr. SMOOT. Then I shall make no objection.

The VICE PRESIDENT. The question is on agreeing to the remaining part of the amendment of the committee.

The amendment was agreed to.

The reading of the bill was resumed, as follows:

For the suppression of the traffic in intoxicating liquors among Indians, \$125,000.

Mr. OWEN. Mr. President, I should like to propose an amendment at that point.

The VICE PRESIDENT. The order of the Senate is that committee amendments shall first be considered.

Mr. OWEN. Very well.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 4, line 23, after the word "vaccination," to strike out "maintenance of hospitals and sanatoriums, for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, improvements, and for necessary expenses of transporting Indian patients to and from such hospitals and sanatoriums, and for the correction of sanitary defects in Indian homes, \$350,000," and insert "\$300,000: *Provided, That not to exceed \$90,000 of the amount herein appropriated may be expended in the erection and equipment of new hospitals for the use of Indians; and no hospital shall be constructed at a cost to exceed \$15,000, including equipment,*" so as to make the clause read:

To relieve distress among Indians and to provide for their care and for the prevention and treatment of tuberculosis, trachoma, smallpox,

and other contagious and infectious diseases, including the purchase of vaccine and expense of vaccination, \$300,000: *Provided*, That not to exceed \$90,000 of the amount herein appropriated may be expended in the erection and equipment of new hospitals for the use of Indians; and no hospital shall be constructed at a cost to exceed \$15,000, including equipment: *Provided further*, That hereafter the Secretary of the Interior shall submit to Congress annually a detailed report as to all moneys expended in the erection and maintenance of hospitals and sanitariums as provided for herein.

Mr. JONES. Mr. President, I notice that the committee has stricken out the provision for the maintenance of hospitals and sanitariums. In the last appropriation bill we passed, I think, \$300,000 was appropriated for the very purpose of this paragraph, and we had \$100,000 provided out of it for the erection of hospitals. Now, if we strike out the provision for maintenance of hospitals, how are we going to maintain them? Have we any hospitals constructed for the Indians, I wish to ask the chairman of the committee?

Mr. ASHURST. I will say, in reply to the Senator, that the provision to which he calls attention, and which has been stricken out, is provided for in another part of the bill.

Mr. JONES. I want to ask the Senator how many hospitals had been constructed under the provision of the bill of last year, appropriating \$100,000 of this fund now used for the construction of hospitals? I want to know how much of that money has been expended and how many hospitals have been erected.

Mr. ASHURST. A full statement of that expenditure will be found—

Mr. JONES. I should like to have it stated in a general way.

Mr. ASHURST. I will be very brief. The statement is found on page 29 of the House hearings, and is as follows:

*Analysis of expenditures.*

Salaries, wages, etc.....	\$53,864.00
Traveling expenses.....	12,804.16

In the interest of time, I shall not read all of the items.

Mr. JONES. That is what I want, I will say to the Senator.

Mr. ASHURST. The locations of the hospitals are as follows: These new institutions—

That is, the hospitals; and I will state that these estimates were made in October—

These new institutions will probably be located at the Turtle Mountain Indian School, Belcourt, N. Dak.; Blackfeet Indian School, Browning, Mont.; Pima Indian School, Sacaton, Ariz.; Mescalero Indian School, Mescalero, N. Mex.; at or near the San Xavier Indian School, Tucson, Ariz.; and Carson Indian School, Stewart, Nev.; also a contract has been made for the construction of a new hospital at the Laguna Pueblo under the jurisdiction of the Santa Fe Indian School. These will be ready for operation by July 1, 1915.

Mr. JONES. So, we have not as yet any hospitals constructed and completed under that appropriation?

Mr. ROBINSON. Mr. President, contracts have been let, the hospitals are being constructed, and they will be put into operation about the first of the next fiscal year.

Mr. JONES. Can the Senator point me to the item further on in the bill providing for the operation and maintenance of these hospitals?

Mr. ASHURST. I will do that as soon as I can find it.

Mr. ROBINSON. If the Senator from Washington will pardon me for a moment, the matter was gone into very carefully by the committee, and provision is made for that in other parts of the bill. It will be difficult now to find and point out the separate items without taking considerable time, and I ask the Senator from Washington if he will not be willing to wait until we reach them.

Mr. JONES. Certainly; I will be glad to do so. I simply want to be sure that the matter is cared for.

Mr. ASHURST. It is cared for.

The VICE PRESIDENT. The question is on the amendment reported by the committee.

[Mr. SMITH of Arizona addressed the Senate. See Appendix.]

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 5, line 17, after the word "children," to strike out "\$1,440,000" and insert "\$1,550,000," so as to make the clause read:

For support of Indian day and industrial schools not otherwise provided for and for other educational and industrial purposes in connection therewith, including not to exceed \$40,000 for the support and education of deaf and dumb and blind Indian children, \$1,550,000.

Mr. SMOOT. Mr. President, I will ask the Senator why that increase of \$110,000 was made?

Mr. ASHURST. I will state that that is in accordance with the estimate. A somewhat protracted hearing was held by the Senate committee and the House committee. It covers some eight pages of the House hearings; and it was ascertained that that amount, being the same as was estimated for last year, was necessary.

The distinguished Senator from Utah, in a question a moment ago, asked about the expenditures for the Papago Indians. Replying to that interrogatory propounded by the Senator, let me say that the department says:

This money—

Referring to the appropriation for the Papagoes—

This money is being expended; the schools to be established will be ready for use in the near future, and this will result in the enrollment of Navajo and Papago children whose education must be provided for by the use of this appropriation.

Of the Navajoes there are about 29,193 and of the Papagoes 6,965. Estimating upon a basis of 20 per cent, there would be of the Navajoes 5,838 school children and of the Papagoes 1,390 school children.

That, however, so far as the Papagoes may be concerned, will be somewhat lessened, because some of them go into the public schools, so I am advised.

Mr. SMOOT. The hearing in the House was held upon the increase to \$1,550,000?

Mr. ASHURST. No; the hearings in the House resulted in the appropriation of \$1,440,000, but the Senate committee increased it by \$110,000.

Mr. SMOOT. But at the hearings in the House the \$1,550,000 was asked for, and the House failed to grant it?

Mr. ASHURST. Yes; the House did not come up to the estimates by \$110,000, although the department estimated for the amount the Senate committee appropriated.

Mr. GRONNA. I will say to the Senator from Utah that this is the same amount that was appropriated last year, and all of it was used by the 1st day of October, with the exception of \$62,000. Of course every bit of that will be used up by the end of the fiscal year, so there is no increase whatever in the appropriation.

Mr. PAGE. Mr. President—

The VICE PRESIDENT. The Senator from Vermont.

Mr. PAGE. I want to say generally in reference to the Indian appropriation bill that I have been in favor of liberality in the support of Indian schools. I know that there has been a disposition in several cases to cut down these appropriations. It seems to me that if we have a duty to perform that is especially pressing it is to see that the Indian has an opportunity to be educated—not well educated, perhaps, as we would speak of it were it a white school, but that he shall have an opportunity to become proficient in the ordinary lower grades of school work.

The number of Indians that must be educated is increasing from year to year, as I believe; and when the department ask, as they did this year, for the same and no more than they had last year, I felt that it ought to be granted. I still feel so. I think the \$1,550,000 is none too large.

Mr. LANE. Mr. President, I will say for the information of the Senator who made the inquiry that I went upon one reservation and stayed for four days; and found, of the total population of children of school age of 900, that over 600 of them had no school to which to go. If we are going to educate them, let us do it. I do not know whether our methods will improve their general condition in the long run or not; but if we attempt it at all, let us do it right; otherwise, let us quit.

Mr. SMOOT. I agree with the Senator.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The reading of the bill was resumed, and the Secretary read to line 6, on page 6, as follows:

*Provided*, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood: *Provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made: *Provided further*, That not more than \$50,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools.

Mr. JONES. Mr. President, I wish to ask the chairman of the committee whether or not this amount of \$50,000 is sufficient to pay the tuition that would be properly chargeable against the Indian children in the public schools?

Mr. ASHURST. I believe it is. It is distributed among the various States. The Senator will remember that last year a question was propounded by the distinguished senior Senator from Utah [Mr. SMOOT] regarding that matter. It was ascertained that this was about the requisite sum to be distributed among the States.

Mr. JONES. Last year we appropriated only \$20,000 for this purpose. Now we appropriate \$50,000; and I wondered if the department had data from which they had determined that this

\$50,000 would cover the amount to be distributed among the States.

Mr. ASHURST. The sum of \$50,000 is the amount estimated for; and I assume, of course, that that is the amount they require. They have not indicated that it is necessary to have a larger sum.

Mr. JONES. I know, but they might not feel it necessary to take care of all the proper charges in the different States, and that is what I wanted to ascertain—whether or not they have the data upon which they can determine the amount that they ought properly to pay in the different States for the public school facilities furnished in each.

Mr. ASHURST. Yes; they have the data, and this is the amount at which they arrived.

The reading of the bill was resumed.

The next amendment was, on page 6, line 9, after the word "therewith," to strike out "\$400,000" and insert "\$440,000," so as to read:

For construction, lease, purchase, repair, and improvement of school and agency buildings, including sewer, water, and lighting systems in connection therewith, \$440,000.

The amendment was agreed to.

The next amendment was, on page 7, line 5, after the word "Alaska," to insert "All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school," so as to make the clause read:

For collection and transportation of pupils to and from Indian and public schools, and for placing school pupils, with the consent of their parents, under the care and control of white families qualified to give them moral, industrial, and educational training, \$72,000: *Provided*, That not exceeding \$5,000 of this sum may be used for obtaining remunerative employment for Indian youths and, when necessary, for payment of transportation and other expenses to their places of employment. The provisions of this section shall also apply to native pupils of school age under 21 years of age brought from Alaska. All moneys appropriated herein for school purposes among the Indians may be expended, without restriction as to per capita expenditures, for the annual support and education of any one pupil in any school.

Mr. THOMAS. Mr. President—

The VICE PRESIDENT. The Senator from Colorado.

Mr. THOMAS. Upon the face of it, that is a most remarkable amendment. I should like to inquire of the Senator in charge of the bill what the purpose of the amendment is. As it stands, this entire amount of millions of dollars can be expended upon one pupil, as I read it, if not more.

Mr. ROBINSON. Mr. President, that provision has been carried in the Indian appropriation bill for many years. It has been found that in the various schools it is impossible to make these expenditures on a uniform basis. That is to say, the cost per capita at one school can not be the same in every case as the cost per capita at other schools; and it is merely intended to relieve them from embarrassment in the matter of administration.

Mr. THOMAS. If that is the purpose of it, it seems to me it is very unfortunately worded.

Mr. ROBINSON. I will say to the Senator from Colorado that that is the language that has been carried in the Indian appropriation bill for a good many years. If the Senator will permit me further, it was contained in the bill as reported to the House of Representatives, but I think was stricken out there perhaps on a point of order, a point of order being made in the House of Representatives against every provision in the bill that was subject to a point of order under the peculiar conditions that existed when the bill was being considered there.

Mr. ASHURST. Mr. President, I ask unanimous consent that the paragraph just read shall be a separate paragraph. It should be a separate paragraph.

Mr. THOMAS. I have no intention, in view of the explanation made by the Senator from Arkansas, of making a point of order against the amendment, although on general principles I believe that all general legislation should be eliminated from these bills; but, standing by itself, it appears to be a very remarkable amendment.

Mr. ROBINSON. I will state further to the Senator that it was considered very carefully by the committee and the matter gone over fully, and the committee reached the conclusion that it was best to retain in the bill the provision which has been carried heretofore on that subject.

Mr. THOMAS. Of course, I assume that it has been carefully considered, but it was so unique in its character that I wanted some explanation about it.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ASHURST. May it be made a separate paragraph?

The VICE PRESIDENT. It will be made a separate paragraph.

The next amendment was, on page 8, line 1, after the word "Indians," to strike out "\$400,000" and insert "\$450,000," so as to read:

For the purposes of preserving living and growing timber on Indian reservations and allotments, and to educate Indians in the proper care of forests; for the employment of suitable persons as matrons to teach Indian women and girls housekeeping and other household duties, for necessary traveling expenses of such matrons; and for furnishing necessary equipments and supplies and renting quarters for them where necessary; for the conducting of experiments on Indian school or agency farms designed to test the possibilities of soil and climate in the cultivation of trees, grains, vegetables, cotton, and fruits, and for the employment of practical farmers and stockmen, in addition to the agency and school farmers now employed; for necessary traveling expenses of such farmers and stockmen and for furnishing necessary equipment and supplies for them; and for superintending and directing farming and stock raising among Indians, \$450,000.

Mr. SMOOT. Mr. President, I will ask the chairman of the committee whether this is not a new provision?

Mr. ASHURST. No; it has been carried in the bill. It was carried in the bill for the fiscal year 1915, the bill for 1914, and, if I remember correctly, in the bill for 1913. It is not a new provision at all. The amount of \$450,000 is the amount estimated for by the department and the amount appropriated last year.

Mr. SMOOT. I have before me the appropriation bill for last year. I notice that there was the same amount of appropriation, but it was worded considerably different than it is this time. I suppose the object is the same.

Mr. ASHURST. The object is the same.

Mr. SMOOT. I notice that there is quite a difference in the wording of it.

Mr. ASHURST. Only in form; not as to substance.

[Mr. SMITH of Arizona addressed the Senate. See Appendix.]

Mr. TOWNSEND. Mr. President, I suppose it is just as well to make no answer to items that are not up for a vote at this time, but I do not believe the senior Senator from Arizona [Mr. SMITH] is in harmony with a majority of the sentiment in the United States. As to the first part of this section, which the Senator criticizes—namely, that relating to the education of Indians in the proper care of forests—of course there is no school that is maintained for that purpose, but the Indians live in the forest; they have some very valuable timber. Those forests are subject to fires; they are subject to destruction. It is the business of the United States to preserve the forests for the Indians just as much as it is to preserve the forests on the other public domain.

This is a proposition to teach in the schools with other lessons those modern ideas of civilization which would look to the preservation of the Indian's property. I repeat there is no school established for this particular purpose, but we have required of late that the department shall enumerate in detail what is taught and what is done in the schools. We are trying to find out what is done with every dollar of money that is appropriated by the Government. This is but one of the items that are enumerated as a part of the curriculum of an Indian school, and it seems to me that it is highly commendable.

Mr. PAGE. Mr. President, I have heard with sincere regret the expression of disapprobation on the part of the Senator from Arizona [Mr. SMITH] on the educational attitude of this country toward its Indian wards. It may be and probably is true among Indians as well as whites that many are not materially benefited by the class of education which they receive. The education of life is probably the best education they get. But we owe it to the Indian to give him as near as we can the same class of and as much education as we give to the white man. That can not be done, of course, in its entirety, but we certainly ought to strive toward that end.

I have no sympathy with the idea that the Indian is altogether bad, and that, therefore, we ought to leave him to go his bad way without attempting to educate him. It is true, as the Senator from Michigan [Mr. TOWNSEND] has said, that we have asked the department to tell us not as to the general trend of education throughout all the Indian reservations but to tell us wherever any part of their money is used and the part used in certain sections of the country for the education of Indians and in the proper care of Indian forests.

It was my pleasure a few years ago to visit an Indian reservation in Wisconsin, the Menominee Reservation, an Indian reservation where there are hundreds of thousands of dollars worth of timber land. We have undertaken there to let the Indian conduct his business affairs. It is true we furnish a white superintendent, a white general manager, but there is an

experiment in which we are attempting to see just how much the Indian can do for himself. He is working out the plan there of becoming a business man who will take care of his own reservation.

The Forestry Service sent their man there, and in the cutting of the timber on that reservation every tree is marked by the forester. They strive to educate those Indians so that that great quantity of Indian lands may be conserved that the Indians may from year to year take out the dead or matured timber, that he may remove the debris so that fires are not liable to occur. That is not perhaps a line of action that is pursued generally, but it is pursued in that reservation, and if we are faithful to our trust we will ask the Commissioner of Indian Affairs, as he comes before our committee, to tell us what he has done in the way of educating the Indians, so that he may perform the duty that seems to be incumbent upon him there. That is the necessity for this particular sentence where it says "and to educate Indians in the proper care of forestry." It is not done generally, but it is done there. It is a proper thing to do, and we ought not to strike out this provision from the bill, in my judgment.

The Forestry Service sent their men there, and in the cutting of the timber on that reservation every tree is marked by the forester. They strive to educate those Indians so that a great quantity of Indian lands may be conserved and that the Indian may from year to year take out the dead and the mature timber and remove the debris so that fires are less liable to occur. That perhaps is not a line of action that is pursued generally, but it is pursued on that reservation. If we are faithful to our trust, we will ask the Commissioner of Indian Affairs, as he comes before our committee, to tell us what he has done in the way of educating the Indian so that he may perform the duty that seems to be incumbent upon him there. That is the necessity for this particular clause, "and to educate Indians in the proper care of forests." It is not done generally, but it is done there. It is a proper thing to do, and we ought not to strike this clause from the bill, in my judgment.

The VICE PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 8, line 19, after the word "three," to insert "permanent," and in the same line, after the words "Indian Service," to insert: "Provided further, That section 3709, Revised Statutes, in so far as that section requires that advertisement be made, shall apply only to those purchases and contracts for supplies or services, except personal services, for the Indian field service which exceed in amount the sum of \$50 each, and section 23 of the act of June 25, 1910 (36 Stat. L., 861), is hereby amended accordingly."

So as to make the clause read:

For the purchase of goods and supplies for the Indian Service, including inspection, pay of necessary employees, and all other expenses connected therewith, including advertising, storage, and transportation of Indian goods and supplies, \$300,000: *Provided*, That no part of the sum hereby appropriated shall be used for the maintenance of or to exceed three permanent warehouses in the Indian Service: *Provided further*, That section 3709, Revised Statutes, in so far as that section requires that advertisement be made, shall apply only to those purchases and contracts for supplies or services, except personal services, for the Indian field service which exceed in amount the sum of \$50 each, and section 23 of the act of June 25, 1910 (36 Stat. L., 861), is hereby amended accordingly.

Mr. SMOOT. That is a new provision put in this year's appropriation bill. I have not section 3709 of the Thirty-sixth Statutes at Large, which is amended by this provision. I will ask the Senator if he can state offhand what is the amount now that is expended under the requirement that advertisements shall be made?

Mr. ASHURST. One hundred dollars. This reduced it to \$50. It seemed to be a salutary amendment. It impressed the committee.

The amendment was agreed to.

The next amendment was, on page 9, line 15, after the word "Commissioners," to strike out "\$4,000" and insert "\$10,000," so as to make the clause read:

For expenses of the Board of Indian Commissioners, \$10,000.

The amendment was agreed to.

The next amendment was, on page 9, line 21, after the word "agencies," to strike out "\$100,000" and insert "\$200,000," so as to make the clause read:

For pay of Indian police, including chiefs of police at not to exceed \$50 per month each and privates at not to exceed \$30 per month each, to be employed in maintaining order, for purchase of equipments and supplies and for rations for policemen at nonration agencies, \$200,000.

Mr. PAGE. Mr. President, I am thoroughly opposed to this amendment. I think the House did right when they provided that the amount should be \$100,000 rather than \$200,000. I have taken a little pains to talk with Indians about this appro-

priation, and they say the class of men who hang around the reservations as policemen are of the cheapest kind, and they do not believe that we should increase the appropriation for these policemen. I do not know why it has been done. I am opposed to the amendment.

Mr. THOMAS. I suppose it is necessary to increase the expenses for policing in proportion as we increase the appropriations for education. The two go together with the Caucasian, and it is the same thing with the Indian.

Mr. ASHURST. I may be wrong, but I thought that the Senator from Vermont [Mr. PAGE] in the committee agreed to increasing the amount to \$200,000. It is the impression of the chairman of the committee that it is a necessary and a wise provision. On page 72 of the hearings the following proceedings appear in the House committee hearings:

PAY OF INDIAN POLICE, \$200,000.

The appropriation under this head provides for the salaries of Indian police and subsistence at nonration agencies, uniforms, forage for their mounts, equipment, etc. There are on the salary roll for the present fiscal year 646 Indian police, whose duty it is to assist in the maintenance of law and order, suppression of the liquor traffic, and other duties as affecting over 300,000 Indians scattered throughout the country and covering millions of acres of land.

The per capita cost is but 66¢ cents. In 195 cities having a population of over 30,000 each the per capita payment for the police department is \$2.04, and there is no doubt that the area of these cities will not compare favorably with the area of the Indian country. In the group which comprises cities having a population between 300,000 to 500,000 the per capita payment for the police department is \$2.14.

The office is experiencing some difficulty in certain localities in retaining efficient and honest men at the salary provided for. As laborers they can earn from \$1.50 to \$2 per day, and with such opportunities they are unwilling to remain as Government employees at a salary of \$30 or less. To increase their compensation reduces the availability of the appropriation, and as a result the efficiency of the service is to a certain extent impaired.

These employees form an important part in the administration of the affairs of the reservations and are an essential part of the machinery used in protecting the lives, property, and welfare of these people throughout the country. The entire amount of the appropriation is necessary.

Mr. PAGE. Mr. President, I think I recall what the chairman of our committee has said as occurring before the committee. I might say to him that there are many, many items in this bill that we passed over on a purely ex parte showing. As you will find if you will go through the bill, the administration has asked us to increase the expenditures in almost every case, and in some cases they have been increased immensely. I have had occasion to make inquiry in regard to conditions outside of the committee, and I have become convinced that in many of these instances we have done wrong in increasing the appropriations. I believe we have done wrong in increasing this one. I received my information from those who I think are qualified to judge from having been on these reservations, knowing the facts. The facts are, and I think it will appear somewhere in our hearings, that the men who are engaged in the Indian police service are not a class of men who promote the welfare of the Indian as a rule. They are a cheap class of men, men who are hired for so small a salary that they can not be good men.

Mr. ASHURST. Will the Senator yield to me?

Mr. PAGE. With pleasure.

Mr. ASHURST. The Senator, I know, is aware of the fact that these police are Indians themselves.

Mr. PAGE. Yes; but they are a very cheap class of men, and I do not think we ought to increase the appropriation. But I do not care to take the time of the Senate.

Mr. CLARK of Wyoming. Mr. President, I can hardly allow the Senator's statement to pass without saying that my observation does not bear out the Senator's statement. I think that the Indian police upon our reservations are, if anything, rather superior to the average Indians upon the reservations. I think there is no question about that, particularly upon the western reservations.

I will further call the attention of the Senator to the fact that their efficiency is not necessarily measured by the amount of money that they receive. An Indian is not much different from white people. Many people are willing to take a position of authority, a position of dignity, or a position of responsibility at quite a moderate salary, less than they, perhaps, would be willing to receive for manual work or for employment in other avenues.

But I arose to say that I believe the Senator is mistaken when he says that the Indian police are a cheap class of Indians. My observation has been exactly to the contrary.

Mr. CRAWFORD. Mr. President, I wish to say to the Senator from Vermont that in the State which I in part represent we have perhaps 20,000 Sioux Indians on several reservations, and I had a chance to observe more or less closely for about 30 years. It is my impression that the police force, which is made up of the Indians themselves, represent a class of men

who are above the average and who are a very necessary force in localities inhabited by the Indians where depredations are being committed, where desperadoes get in and sometimes raise a great deal of trouble, where whisky is being smuggled to the Indians. As a rule the men who are wearing the uniform of police are valuable citizens, are a trusty class of men, and my own impression is that the Senator's statement that they are a cheap lot, indicating that they are below the average, is not correct. I simply feel that it is only just and proper that I should say that, so far as my observation has extended.

Mr. PAGE. Mr. President, I of course yield to the closer and more intimate acquaintance of the Senator from South Dakota and the Senator from Wyoming with the Indian Service. I certainly have tried to acquaint myself, where I thought I ought to do so, with some of the items which have been increased in the bill. I think perhaps I may say without violating any of the rules of the Senate, that one of the most efficient laborers in this Indian vineyard, so called, is the chairman of the Indian Affairs Committee in the other House. I do not know that I ought to say that here; but I know that he and others with whom I happen to have acquaintance assure me that this is a bad amendment. I want to say generally that I probably shall have occasion before we pass through the bill to oppose several of the amendments increasing appropriations. We have increased these appropriations by, I think, more than \$3,000,000.

Mr. CLARK of Wyoming. Will the Senator yield to me for a moment?

Mr. PAGE. Certainly.

Mr. CLARK of Wyoming. My remarks to the Senator were not at all called out by the amount of the appropriation. I expressed no opinion as to whether the amount should be the sum contained in the original bill or the sum proposed in the Senate committee amendment. My remark was called out by the observations made by the Senator as to the character of the men who are engaged in filling these offices.

Mr. PAGE. I yield to the better judgment and better experience of the two Senators who have spoken on this matter. I simply say that information has come to me that they are not a high class of men. The very fact that they are willing to accept the service for perhaps a few dollars a month indicates that they must make their living out of something besides their salary.

Mr. CLARK of Wyoming. I suppose there are very many useful employments and very many useful services in which the Senator from Vermont engages for far less than \$30 a month.

Mr. FALL. Mr. President, will the Senator from Vermont yield to me for a moment?

Mr. PAGE. I yield.

Mr. FALL. Each of the Indian police of whom I have any knowledge has exactly the same interest in the tribal property that every other Indian on the reserve has, he has exactly the same means of support that the other Indians upon the reserve have, he has the same income that the other Indians upon the reserve have, and he has additional income for the services which he renders the Indians as a policeman. He has an extra hazardous employment on the Indian reserve, particularly in my part of the country.

I can say to the Senator that the Indian police have from time to time performed services not only to their own people, to their own tribes, which were worthy of all praise, but they have performed services as police officers to the citizens generally beyond any estimate. I want to say, sir, as to the police officers on the Mescalero Reservation, in which my own home partly lies in New Mexico, where I am brought into almost daily contact with some of them, there are no police officers in New Mexico or anywhere else superior to them. We have to-day, for instance, a condition existing there, which has been kept down so far by the Indian police. Over the opposition of the Senators from New Mexico, Senators will recall that the Fort Sill Geronimo Apaches were removed to the Mescalero Reserve, in New Mexico; and they have there been allotted the lands which the Mescaleros had always believed belonged to them. They have taken up the best of the grazing lands and farming lands that remain upon the reserve. They have deprived the Mescalero Indians of an income of more than \$8,000, which has not been made up to them in any way by Congress or by the Indian Department. They have been almost at sword's points. From time to time it has been necessary to send Army officers who are familiar with the Indians there upon that reserve—while the matters have been kept out of the newspapers—for the purpose of keeping peace between the Fort Sill Indians and the Mescaleros. The Mescalero police—and the members of the police force are Mescaleros—have performed the duties of their office to the satisfac-

tion of all parties to such an extent that they, and they alone, are responsible for the fact that there has not been the bloody outbreak which I prophesied would possibly occur upon the Mescalero Reserve. Those are the people who are working for \$30 a month.

A short time ago, Mr. President, the value of their services was called in question in my county. A murder was committed by an Indian on the Indian reservation. The American citizens in the county were thoroughly aroused and insisted upon invading the reserve in force; insisted that the sheriff should collect a large posse to pursue the murderer. They knew nothing about who he was. They did by force invade the reserve and with a very large posse. The Indian police were called off by the agent and restrained from interfering with the trespass upon the reserve by the police officers; they were requested to remain quiet and to allow the sheriff and his posse to do what they could toward the apprehension of the murderer. The efforts of the sheriff, who was a brave man and an excellent peace officer, availed nothing; it was impossible for him to secure any evidence or to even find the trail of the man who committed the murder. Finally, after consultation between various citizens and the agent, upon the one hand, and some of the Indians and the sheriff on the other, the sheriff was persuaded to withdraw his posse from the reserve. He did so under protest, placing the responsibility entirely upon the agent for the apprehension of the murderer, stating that he would be held responsible if the murderer was not apprehended. The agent answered that he would take the responsibility; that he had confidence in his police, and that he believed he knew what they would do.

After the American posse had left the reserve he then called the Indian police around him and said: "Now, I want the man who committed that murder; you can find him, and I want him arrested." The newspapers were full of it, stating that the agent was not doing his duty and that the Indians would protect the Indian murderer—it was known, or supposed to be known, that it was an Indian who murdered the white man—that the Indians would protect one of their own tribe, and that they would not see him punished according to law. Now, remember that American police officers, and as good as we have in New Mexico, had not been able to effect the arrest nor to secure even a trail or a clew which would lead to the apprehension of the guilty party. Within 24 hours after the American posse had left the reserve the Indians brought the murderer in dead. They had killed him.

Invariably they can be counted upon, sir, to perform the duties of their office as very few American officers can be. I want to say that, in my judgment, the Indian police upon the Mescalero Reserve are superior Indians in every respect, and they receive very small remuneration for the labors which they perform, the services which they give, which are of advantage, as I have said, not only to their own people but to all Americans living in the community.

Mr. PAGE. Mr. President, I want to assure the Senator from New Mexico that no man more than myself is gratified with the assurance that he gives in regard to the character of the Indian police. I can only say that in examining this bill I have applied to persons who I thought were qualified to give me the best possible information. One of my sources of information is, in my opinion, as well prepared to know and to judge as to these appropriations as any man in Congress, and his assurance is that \$200,000 is unnecessary; that the \$100,000 appropriated by the House is all that ought to be appropriated; and I have relied upon his superior opinion, rather than upon my own judgment, as to what we ought to do.

The other feature to which I have referred, namely, the character of the police, I presume varies in different sections of the country. I think there are sections of the country where if you make the inquiry, "What is the general character of the Indian police?" the reply will come, "In my vicinity, in my territory, they are a bad lot."

Now, I withdraw all that. So far as I am concerned I am simply applying my ideas to this bill generally. We have had purely ex parte statements in regard to the increase of these appropriations as a whole. The department comes to us and says, "We would like so many thousand dollars; the House has given us only so many thousand dollars." I think that nine times out of ten in the Senate Committee on Indian Affairs, if I may be permitted to say so without any impropriety—and I think I may—we have accepted the suggestions of the Assistant Commissioner of Indian Affairs. In doing so I am satisfied that we have made too large a bill for these days, when we are all struggling with the great propositions before the country, and when we are helping to pay the Nation's bills by putting a 1-cent stamp on every telegram that is sent out. I do not think

we ought to be as liberal as we have been here. I believe we ought to be liberal in matters of education—I am the last man who would cut down an appropriation along that line—but when we come to increasing and doubling the appropriation for the Indian police, and I have the assurance that I have from what I believe to be a proper source, I deem it my duty to protest against the amendment.

Mr. FALL. Mr. President, I want to say to the Senator from Vermont, as the Senator from Wyoming [Mr. CLARK] has already said, that I had no reference in my remarks to the amount of the appropriation. I was simply giving the Senator my own ideas from my own experience as to the character of the Indian policeman, at least in those portions of New Mexico where I am familiar with his character, and particularly on the Mescalero Reserve, which, as the Senator understands, is the reserve of the Apaches, who a few years ago were wild Indians, and whom we were making appropriations to fight. I was simply giving my idea as to the character of the Indians on that reserve when they are intrusted with the enforcement of law and order as police, and was not referring to the amount of the appropriation.

Mr. PAGE. I have not the slightest doubt, Mr. President, as to the correctness of the Senator's statement. I simply feel this way in regard to these appropriation bills: I was present at the hearings almost every minute from the time they commenced until they were ended, and I confess that I have been sometimes shocked at the ease with which the committee would increase an appropriation from \$100,000 to \$200,000, or from half a million dollars to a million dollars.

Mr. ROBINSON. Mr. President, will the Senator yield to me for a question?

Mr. PAGE. With pleasure.

Mr. ROBINSON. Is the Senator from Vermont aware of the fact that this is not an increase in the appropriation; that the appropriation bill for the fiscal year ending June 30, 1915, carried the same amount? He has been discussing the matter as if it were an increase in the appropriation. We carry in this bill the same amount that was carried last year, and unless that amount is carried it will make necessary a reduction in the force of Indian police by nearly one-half. Of course, if the Senator thinks that the police are inefficient or a "bad lot," as he has said, his position, in my judgment, would be tenable; but from the investigations I have made, on the whole I think the Indian police compare quite favorably with white police.

Mr. PAGE. Mr. President, I perhaps was wrong in not saying that this was an increase over the amount appropriated by the House bill.

Mr. GRONNA. Mr. President—

The VICE PRESIDENT. Does the Senator from Vermont yield to the Senator from North Dakota?

Mr. PAGE. With pleasure.

Mr. GRONNA. I dislike very much to oppose anything the Senator from Vermont proposes, because he gives a great deal of attention to every question that comes before the Committee on Indian Affairs; but I want to say to the Senator that it is my belief that it would be a mistake to reduce this appropriation. As the Senator from Arkansas has just stated, we appropriated a like amount, \$200,000, last year, and it has all been expended with the exception of \$8,000.

With reference to the class of men who are appointed as Indian police, I will say that I live in a State where there are located three fair-sized reservations, and the Indians who are appointed to these responsible positions are, as a rule, the very best class of Indians, and they perform very valuable services. If it were not that I do not wish to take up the time of the Senate, I should like to read the testimony of Mr. Meritt, the Assistant Commissioner, on this point. I will, however, read a short extract from his testimony:

The CHAIRMAN. Don't you think that in view of the fact that so much of the work of these Indians is being policed by the State and the State authorities that we could very materially cut this appropriation?

Mr. MERITT. Mr. Chairman, I think it would be unfortunate to cut this appropriation. We are somewhat embarrassed now because of the limitation. We find that the Indian police are of material assistance to the service in maintaining order and performing necessary duties on the reservations. We have at this time 646 Indian police who are paid out of this appropriation.

The CHAIRMAN. Is it a part of the duties of these policemen to prevent the sale of liquors on the various reservations?

Mr. MERITT. They help in that work.

The CHAIRMAN. Then you have another appropriation for that purpose, have you not?

Mr. MERITT. But this only supplements their regular work.

The CHAIRMAN. Why shouldn't these two items be thrown together? Is it any more important that they be protected from the sale of whisky than anything else?

Mr. MERITT. It is one of the most important things in the Indian Service, that they be protected from liquor.

I trust the Senator from Vermont will not oppose the appropriation of \$200,000, because I really believe it is absolutely necessary to have that amount.

Mr. PAGE. Mr. President, if Senators will turn to the bill which we are now considering, I should like to call attention to pages 9, 10, and 11, because they illustrate the thought I am trying to impress upon the Senate in connection with this bill. I have not suggested my opposition to this increase from \$100,000 to \$200,000 without making an investigation and becoming satisfied from the best information I could get that the increase was wrong; but what I want to call attention to is this—and it is not to this particular feature that I especially refer; my point is applicable to almost every feature of the bill: We are now on page 9, line 21, but if you will turn to page 10, in line 9, you will find the appropriation there has been increased from \$100,000 to \$125,000; on page 11, line 22, the appropriation has been increased from \$200,000 to \$600,000. Bear in mind that, as a rule, we had before us in the consideration of this bill only one authority to whom we could go, and that was the Assistant Commissioner of Indian Affairs, and whenever he said the department would like an increase we gave it to him. As the Senator from North Dakota well knows, that was almost universally the case. We hardly stopped to debate the question at all. None of us could debate it, because he knew all the facts and we knew nothing; but after going through the bill I took upon myself the labor of making an investigation outside. I tried to find men who were thoroughly conversant with the necessities of the service, and one of the best men I found—and I think he is one of the very best authorities on Indian matters—says that \$100,000 is all that ought to be appropriated for the Indian police.

Mr. CRAWFORD. Mr. President, will the Senator permit me to interrupt him?

Mr. PAGE. With pleasure.

Mr. CRAWFORD. I realize that the members of the committee, perhaps, who have been acting with it for years and attending the hearings and considering the testimony, have an opportunity in that way to come closer to the material details in dealing with this great question than have Members of the Senate who are not on that committee. I take that into consideration in weighing my own view; but I feel obliged to say that from my own observation the expenditure of money as provided on page 11, in the sum of \$600,000—

For the purpose of encouraging industry—

Mark those words—

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops—

And so forth—

Is, in my opinion, money wisely and intelligently expended in that direction, and is a thousandfold more practicable and beneficial to the Indians than the maintaining of Indian schools far distant from their homes, such as the one in Pennsylvania, designed to teach what might be called "book learning." I am not undervaluing book learning—knowledge of arithmetic, reading, penmanship, literature, history. Of course I am not undervaluing it; but I say that millions of dollars are expended on these Indian boys and girls away from the reservations in these schools that are practically lost. They come from their homes, they go there, they learn to wear clothes and read in books, and then they go back to their natural habitat, and in a few weeks they are tearing the carcasses of animals and eating raw meat and going back into the old habits. But if you send intelligent men among them to get down close to the earth, to pursue the course of education that Mr. Washington is pursuing with the negroes at Tuskegee—to get down and teach them how to learn the simple lessons of industry and self-support—you are doing something for the Indians.

Mr. PAGE. Mr. President, may I interrupt the Senator?

Mr. CRAWFORD. Certainly.

Mr. PAGE. I want to ask him if he has ever been to Carlisle?

Mr. CRAWFORD. No; but I have seen these boys, if the Senator pleases, and I have seen these girls, who have been away at school, who would write me letters in beautiful penmanship which looked like engraving, and who could read in books. I have seen them, after a year or two, back in the old habits, and, if anything, worse than the old, full-blood Indians who brought them into the world.

I simply desire to add that you can take a full-blood Indian—an old Indian who has come down here from out in his tepee, and who is giving his testimony to the committee through an interpreter—and in ninety-nine cases out of a hundred there is more inherent honesty and integrity and manliness in that old, full-

blood Indian than there is in any mixed blood who has been away and received a smattering of education, and comes back there and along with the smattering of education has learned the white man's vices. There is more integrity and rugged honesty and trustworthiness in that old, full-blood Indian than there is in this mixed blood with his smattering of education.

Mr. PAGE. Mr. President, may I interrupt the Senator there?

Mr. CRAWFORD. Certainly.

Mr. PAGE. I have been to the Carlisle School, and have given it careful study. I have been to the Hayward School in Wisconsin. I have taken a great interest in these Indian schools; and the Senator is mistaken in his statement as to what they learn there. You go to Carlisle, and you will find there a good blacksmith shop. The Indian is taught to be a blacksmith, so that if he goes back to his tribe he can be a blacksmith. He is made a good wheelwright. He is taught to paint. He is taught to paper rooms. He is taught to do all those kinds of work which are essential in his tribe.

Mr. CRAWFORD. If the Senator will permit me there, I admit all that, and that he learns those things; and I am not underrating the motives, the high purpose, the ideals of the men who have founded those institutions and the beautiful sentiment of the men who uphold them and vote the money to sustain them; but I ask the Senator, what becomes of that wheelwright, what becomes of that blacksmith, what becomes of that mechanic, when he leaves there with this knowledge that he has acquired?

Mr. PAGE. I should like to answer the Senator.

Mr. CRAWFORD. Why do you not find him at work over here in the shops of the Pennsylvania Railway? Why do you not find him, if he has learned bookkeeping, employed down here in one of the mercantile establishments in the city of Washington? Go all over the United States and look for these Indian boys in the fields of industry, and why are they not there? You do not find them.

Mr. PAGE. Mr. President—

Mr. CRAWFORD. Just answer the question. There is the difficulty. Why are they not there?

Mr. PAGE. I will answer the question. The Senator is half right, but he is also half wrong. I tell you, I have taken pains to follow up these boys who have graduated or who have gone from the Carlisle School, and many, many of them have gone out into white sections and have made good artisans and good business men.

Mr. CRAWFORD. Where are they?

Mr. PAGE. I say, they have gone into the walks of life in the eastern cities. A certain part of them, of course, like the white boys, are no good, and when they get back to the reservation, if it is a blanket country, they pretty soon get to wearing the blanket; and I have heard it said, and it is probably true, that a bad Indian slightly educated is perhaps the worst Indian in the world. But, generally speaking, those boys learn something that is for the good of their tribe, and the girls learn how to go home and prevent the spread of tuberculosis and trachoma. They go home prepared to be of genuine service to their people, and I believe in many cases they are.

Mr. CRAWFORD. Mr. President, so far as the theory and the purposes of it are concerned, I could not stand up here and make war upon it; but I am looking at results. Take my own State: There are the different reservations there. There are all those schools. There is this attempt to educate them in this way that has been going on here for a generation. I go to every town in my State, the largest and the smallest; I go in there to see who the clerks are, who the bookkeepers are, and not a single Indian have I ever seen in one of them. I go to the different divisions and headquarters of the railway companies, I go down among the mechanics in the shops, in the places of industry, and I do not find them there. I go out on the farms, where we are short of labor, where high wages are offered for farm hands in agricultural pursuits, and I never find an Indian. After all these years, with the crop of boys and girls constantly being sent away and coming back again, go among the domestics in one of the States and try to find an Indian girl acting as a cook in a family or performing the service of a domestic in a household. Do you find them? Nowhere. What has become of them? What is the result of all of this?

Mr. WALSH. Mr. President, a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Montana will state it.

Mr. WALSH. Am I right in the assumption that the pending question is in relation to the Indian police?

The VICE PRESIDENT. It is.

Mr. CRAWFORD. No; it has taken a wider range than that. The Senator is discussing the wisdom of these appropriations

and attacking the increases, and the question of the expenditure of money for educational purposes in general has been involved in it. I think it is just as legitimate a branch of the discussion as anything else, and a good deal more legitimate than the debate that is often indulged in in this body.

Mr. CLARK of Wyoming. Mr. President, will the Senator yield to me?

Mr. CRAWFORD. Certainly.

Mr. CLARK of Wyoming. I think the difficulty in this question of Indian education arises from the fact that, to my notion, we get at it rather from the wrong point of view and the wrong point of operation.

I have no fault whatever to find with Carlisle or any of the other institutions for the education of the Indian. I believe they are doing a good work for the Indian if the Indian wants to stay at Carlisle, or stay away from the Indian country, perhaps; but an Indian boy from Carlisle going back on the reservation—and the same thing applies to an Indian girl—finds himself up against this situation: He must either go back to the ways of the tribe to which he goes, or he must live out and away from and beyond them. He is either ostracized, or he goes back into the tribe—one or the other.

Mr. CRAWFORD. That is true.

Mr. CLARK of Wyoming. Occasionally, in the western country you find a graduate from Carlisle in the Geological Survey, where, undoubtedly, he performs good service for the Government; but the boys who go back to the Indian reservations and the girls who go back to the Indian reservations in order to keep themselves in harmony with their own mates not only have to discard Carlisle but they have to go it one better. They have to get a little worse than the ordinary boy or girl upon the reservation, because they are looked upon with suspicion. It is believed that they feel a little bit higher for the reason that they have been to Carlisle or Hampton or some other place, and therefore, in order to make good, they have got to get a little shade under the other Indians.

Mr. President, I have often expressed the view that the money that is paid out at Carlisle or these other places for the education of the Indian, whether in domestic science or in mechanical arts or in any other way, would be better spent and better applied if that education were furnished right at home on the reservation. I have always had that view. I have it now, and I believe it is a view that is generally entertained by those who come in the closest contact with the reservations themselves.

Mr. CRAWFORD. Mr. President, I am not going to take much of the time of the Senate, and I have not been in the habit of occupying much of the time of the Senate, but I want to complete the idea that I have in my mind. I am not belittling the attempts in these schools, such as Carlisle, to do the work they have. They may be doing some good. I am perfectly willing that we shall keep on trying to do something in that way, but I say that it is incomplete and that it does not produce results, and it can not be expected to produce results unless we go to the habitat and environment from which these boys and girls come and build up a situation there that will continue after they go back. I say that in order to get that you want an appropriation like this \$600,000 for encouraging industry and self-support among the Indians.

Mr. ASHURST. Mr. President, will the Senator yield to me?

Mr. CRAWFORD. I shall conclude in just a minute.

Mr. ASHURST. I have no idea of doing more than answering the suggestion the Senator has made. I simply want to say that the very appropriation of \$600,000 to which the distinguished Senator from South Dakota refers is an appropriation made in accordance with a well-defined, well-thought-out, well-considered policy of the department that aid shall be extended to the Indian, so that when he goes home from school after having been taught the useful mechanical arts he will be enabled, by reason of this appropriation, to know how to cultivate the soil, to breed cattle, and to take care of live stock. That is the very purpose of the whole scheme and plan of the Indian Department as rearranged during the last year and a half. I think the remarks of the Senator are very pertinent.

Mr. CRAWFORD. I am glad to hear the statement of the Senator from Arizona, and I am glad this provision is being made, because unless this book learning is supplemented by some practical work of that kind—which I regard as of vastly more importance than a smattering of book learning—unless that is provided for and patiently and thoroughly worked out, these attempts to give a smattering of knowledge found in books are not going to produce results.

Mr. ASHURST. What the Senator says is eminently correct, in the judgment of the committee, if I may be permitted

to speak for them. I was going to ask, however, that we might pass on this item, and then we will reach the item—

Mr. CRAWFORD. I will say to the Senator that I shall detain the Senate only a moment. Just a word or two more and I am through.

I simply want to emphasize the fact that by going among these people and patiently and in a determined way, year after year, standing there with them and teaching them habits of industry and self-support, and keeping everlastingly at it; teaching them the simple principles of honesty in the payment of their debts, that when they incur an obligation it must be paid, and that if they would live they must work; teaching them the habit of prudence, and to save their means, and to cultivate the soil, and to breed animals—when you get down upon the earth and teach them in that way and remain among them and teach them after they come back from Carlisle, because they are mere children, and the book learning they have gotten there is of practically no value to them, you are getting down to an education that is worth something.

Why, Mr. President, a great deal of this education is a failure. You can go to one of the institutions of higher learning and spend a little fortune educating your boy, and after he graduates from an institution of higher learning put him out on the sidewalk without a cent in his pocket, and he is one of the most helpless boys in the world. Does he know anything about stenography? Does he know anything about typewriting? Could he go into a telegraph office and do anything? Could he work at a trade? Not a thing. If with his knowledge of Greek and Latin and everything else he were thrown out without a dollar in his pocket, he would have to drive a delivery wagon for \$6 a week to make a living. I am talking about one of your educated white boys. Now, you take the Indian boy down here at Carlisle and give him a little smattering of books, or take the girl and teach her how to make a biscuit or knead a loaf of bread, and send them back to where they came from, and withdraw your further efforts, and it is a failure.

I want to see this appropriation stay in the bill.

Mr. ASHURST. Mr. President, I want to read, for the Senator's information, a short extract, and a very short one only, from the hearings showing that the Senator from South Dakota is correct in his observation. It refers to the \$600,000 item on page 11, line 22. The department say as follows, to which I ask the Senator's especial attention:

One of the most regrettable conditions which frequently presents itself to the service is the almost hopeless plea for help from many returned students. These are young men and women who have been educated at Government expense, and they go back to their homes equipped with a knowledge of "how to do things" but usually "without the equipment or funds" required to become active workers.

Mr. LANE. Mr. President, allow me to suggest to the chairman of the committee and the Members of the Senate a state of affairs which exists in many parts of the United States. They send Indian boys and girls to Carlisle, and, as you say, they are taught some smattering, or they may be educated to a degree where they can pass examinations at Oxford, England; yet when those boys and girls are through with their educational work and return to their reservation homes in some of the far Western States they have not a dollar, they have not a plow or a harrow or a hoe with which to go upon the land and raise wheat or other crops. There is no opportunity presented to them. What are they going to do? It is not long until their clothing is worn out, and then perhaps they put on blankets, as anyone else would have to do; and it is not long—and it is happening now, today; it did yesterday and it will to-morrow—that they have nothing to eat unless they get out and kill and eat prairie dogs and skunks, if you please; and prairie dogs and skunks are not good eating.

Now, what do we do? We have got to go further than to send them to Carlisle. Even at Carlisle in many instances they are not kept long enough in any one department to thoroughly learn a trade and to become efficient and capable mechanics, and they are thrown into a position afterwards where it is impossible for the Indian boy or girl to raise themselves above a dead level of poverty and hunger. In many cases they have, despite these facts, done well. It is all due to the way we have been treating the Indians; and whose fault is it that they were not taught a trade or furnished means to go on the land and earn a living?

Mr. SMITH of Arizona. Will the Senator permit me to ask him a question?

Mr. LANE. Certainly.

Mr. SMITH of Arizona. Does the Senator think the education he receives at Carlisle has a tendency to make the Indian a willing farmer?

Mr. LANE. I do not know that it does. I presume it gives him the aspiration, the same as it does a white child, for dif-

ferent things; but even so, he is afterwards placed under conditions where it would be almost impossible for him to advance.

Mr. ASHURST. Question!

Mr. PAGE. Mr. President, just a moment. I think I owe it to the Senate that I should correct myself. In discussing the appropriation of \$200,000 I referred to the general trend of the appropriations, and said they had been generally raised. I want to say that I do not think they have all been increased without merit. With the item on page 11, where the increase is made to \$600,000, I am in hearty accord. I simply mention that as of the general class which will be found running through the whole bill.

The VICE PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, on page 10, line 9, after the word "available," to strike out "\$100,000" and insert "\$125,000," so as to make the clause read:

For pay of special agents at \$2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed \$3 in lieu of subsistence in the discretion of the Secretary of the Interior when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, \$125,000.

The amendment was agreed to.

The next amendment was, on page 10, line 10, after the word "inspectors," to insert "exclusive of one chief inspector," so as to make the clause read:

For pay of six Indian Service inspectors, exclusive of one chief inspector, at salaries not to exceed \$2,500 per annum and actual traveling expenses, and \$3 per diem in lieu of subsistence when actually employed on duty in the field, \$30,000.

The amendment was agreed to.

Mr. LANE. I wish to notify the chairman of the committee that I would like to add an amendment later on in the proceedings. I wish to reserve the right to do so.

The VICE PRESIDENT. It is not necessary to reserve it. It is the Senator's right.

The reading of the bill was continued to line 11, on page 11.

Mr. SMOOT. There is just one question I should like to ask. I notice in line 16, on page 10, the word "property" is used. In all former appropriation acts the word "allotment" has been used. I ask the Senator why the word "property" is used, because it seems to me that if property is used it not only means the allotment but whatever the Indian may have outside of his allotment.

Mr. ASHURST. In reply to the inquiry propounded by the Senator from Utah, I will state that that change was made, if I remember correctly, because if it were limited to the word "allotment" there are certain species of property, especially among the Osages, that would not fall within the definition of the word "allotment." For instance, a certain leasehold might not be classed as an allotment. It was deemed by the department that the word "property" is the best word to use.

Mr. SMOOT. That may be the case, but it does seem to me the word "allotment" should be used to make the sentence complete.

For the purpose of determining the heirs of deceased Indian allottees having any right, title, or interest in any trust or restricted allotment.

Not "restricted property." What would the Senator think was restricted property? He is an allottee, and it must be a restricted allotment—not restricted property.

Mr. ASHURST. I have no objection to inserting the word "allotment."

Mr. TOWNSEND. What is the amendment the Senator has proposed?

Mr. SMOOT. To strike out "property," in line 16, page 10, and insert "allotment," so as to conform to the law as it always has been.

Mr. TOWNSEND. I have no objection to it, but I imagine there is a great difference there. Property might be distributed and there would be heirs entitled to it. An Indian child might be entitled to some inheritance that would not be in the nature of an allotment.

Mr. SMOOT. Yes; but that would not be restricted property.

Mr. TOWNSEND. It might be; but I have no objection to letting it go to conference, to be examined there.

Mr. NORRIS. I should like to inquire if there is not an agreement that the committee amendment must be considered first?

Mr. SMOOT. But I called attention to it, thinking perhaps the chairman would want to amend the bill in this particular as we proceed.

Mr. NORRIS. The Senator is not proposing an amendment now.

Mr. GRONNA. I would suggest that we pass it over for a while, because I think it would be a mistake to change it.

Mr. NORRIS. I should like the attention of the chairman of the committee. I wish to inquire of the chairman why it is provided here that these provisions, beginning on line 10, page 10, and running down the balance of the page, are not made applicable to the Indian tribes therein specified? Why are those tribes exempted from the provisions of this law?

Mr. ROBINSON. With the permission of the chairman, I will state that there is a special law governing these matters relating to those particular tribes. There is some legislation later in this bill relating to them.

Mr. NORRIS. Then I should like to ask the Senator—and I ask the question because it so often appears in the Indian appropriation bills that certain provisions do not apply to certain tribes—if the tribes exempted are here provided for by law, why was not the law made general and all included?

Mr. ROBINSON. Those matters are governed by laws heretofore passed by Congress covering the subject. That is the reason for the exemption. It would constitute a repeal of quite a number of statutes.

Mr. NORRIS. I do not think the Senator caught the last question I asked him. Assuming that to be true, why should not the law be amended so as to include all these Indians; in other words, have one law cover all? Would not that be practicable?

Mr. ROBINSON. That would require a codification of the existing Indian laws, which would be an exceedingly desirable thing, but it would probably require Congress 12 months to do it. That is the real reason.

Mr. LANE. I may answer the Senator from Nebraska by saying that the land belonging to the Osage Indians, and in many cases the Five Civilized Tribes, is particularly and unusually valuable. The process of reaching them by ordinary legislation probably was not effective or speedy enough.

The reading of the bill was resumed. The next amendment was, on page 11, line 22, after the word "crops," to strike out "\$200,000" and insert "\$600,000," and on page 12, line 7, after the word "exceed," to strike out "\$50,000" and insert "\$100,000," so as to make the clause read:

For the purpose of encouraging industry and self-support among the Indians and to aid them in the culture of fruits, grains, and other crops, \$600,000, or so much thereof as may be necessary, to be immediately available, which sum may be used for the purchase of seed, animals, machinery, tools, implements, and other equipment necessary, in the discretion of the Secretary of the Interior, to enable Indians to become self-supporting: *Provided*, That said sum shall be expended under conditions to be prescribed by the Secretary of the Interior for its repayment to the United States on or before June 30, 1925: *Provided further*, That not to exceed \$100,000 of the amount herein appropriated shall be expended on any one reservation or for the benefit of any one tribe of Indians.

The amendment was agreed to.

The next amendment was, on page 12, after line 9, to insert:

There is hereby authorized to be continued during the Sixty-fourth Congress the joint commission to investigate Indian affairs, with powers and duties as provided in the Indian appropriation act of June 30, 1913 (38 Stat. L., 81) and the unexpended amount therein appropriated for the expense of said commission is hereby reappropriated and made immediately available for the purposes therein authorized. Said commission shall make their findings, conclusions, and recommendations to the Sixty-fourth Congress: *Provided*, That when any vacancy shall occur upon said joint commission by reason of the expiration of the term of office of any Member of the House of Representatives upon said joint commission, or of any Senator upon said joint commission, or from any other cause, the Speaker of the House, if the vacancy occurs with reference to a Member of the House of Representatives, or the President of the Senate, with reference to a Senator, shall fill such vacancy by appointment.

The amendment was agreed to.

#### PACIFICATION OF EUROPE.

Mr. NEWLANDS. Mr. President, there are several resolutions pending before the Committee on Foreign Relations with reference to a conference of neutral nations looking to the pacification of Europe. I desire to introduce a joint resolution upon this subject and ask its reference to the Committee on Foreign Relations and its insertion in the Record. Its purpose is to give voice from an authoritative source to what is in the mind of everybody, outside of the warring peoples, that this war means loss to all and gain to none, and that it is better to declare it a drawn battle before the coming spring slaughter is inaugurated and all the possibilities of suffering and loss are realized.

The joint resolution (S. J. Res. 242) authorizing the President of the United States to invite foreign neutral powers to a conference in Washington, D. C., to consider measures for bringing to an end the war in Europe, and for other purposes, was

read twice by its title and referred to the Committee on Foreign Relations and ordered to be printed in the Record, as follows:

Joint resolution (S. J. Res. 242) authorizing the President of the United States to invite foreign neutral powers to a conference in Washington, D. C., to consider measures for bringing to an end the war in Europe, and for other purposes.

*Resolved, etc.*, That the European war is a world-wide catastrophe, calamitous alike to peaceful and warring nations; that it involves widespread destruction of lives and property; the increase of widowhood and orphanage; the disabling or death of the fit, the strong, and the courageous, and the survival of the unfit, the weak, and the helpless; the decline of science, literature, and art; the impairment of high ideals in the advancement of humanity toward universal brotherhood; the substitution of the law of the jungle for that of Christian civilization; the waste of the accumulations of centuries of civilized effort; the imposition upon future generations of a burden of debt unequalled in history, to be slowly and painfully paid by the toiling masses; and, finally, the change of governments and dynasties by the swift and bloody process of revolution instead of the orderly process of evolution.

Second. That the effect upon the neutral nations is second only to that upon the warring nations, involving as it does radical changes in the currents of trade, the loss of markets, the disturbance of the relations between producer and consumer, buyer and seller, debtor and creditor, shipper and carrier, and the consequent prostration of trade, bringing about unemployment and want; and that it is the right of the neutral nations to protest against the continuance of a war entailing such disastrous conditions, and to counsel its discontinuance pending negotiations for a permanent settlement of issues involved.

Third. That the distinguishing characteristics of this war include the disclaimer by each of the warring nations of responsibility for its commencement and continuance, the assurance by each that it is not animated by a desire for conquest, the agreement by all participants that it is a senseless war, the declaration of each that it is fighting for its national life and not for aggression or increased dominion, and protests by all against dominant individual militarism either on land or sea.

Fourth. That without reference to the merits of such contradictory declarations, the highest qualities of patriotism, courage, and self-sacrifice have been shown by each of the warring nations, and that each has proved its right to an individual national life, the destruction of which would be a loss to civilization.

Fifth. That after more than six months of conflict unparalleled in the number of men engaged, in the loss of life, and the destruction of wealth, no appreciable permanent advantage has been gained by either side, and no material results have been obtained beyond the destruction of lives and property; that all have lost and none has won; that victory hereafter to be attained by any of the warring powers will be at a stupendous cost far exceeding its value; and that thus the only result of continued warfare will be the common deterioration of race and impoverishment of conditions.

Sixth. That the present conditions offer an opportunity of crystallizing into action the sentiment common to all civilized peoples that international justice should be administered as is national justice, without savagery, passion, or prejudice, and according to the orderly forms of law.

*Resolved, therefore*, That the United States of America, animated by a spirit of friendliness toward all the nations involved, invites a conference of the neutral nations for the purpose of urging upon the warring powers, first, a discontinuance of hostilities; second, a withdrawal of the forces of each nation within its boundaries and retirement from captured territory; third, a conference with the warring powers looking to the calling of a peace conference; and, fourth, the establishment, with the approval and cooperation of the belligerent nations, of an international court, tribunal, or executive body with power to adjudicate questions arising between nations, and to enforce its findings: And be it further

*Resolved*, That the President of the United States is hereby authorized to invite such neutral powers as he may deem advisable to participate in a conference to be convened at Washington as soon as practicable for the purpose of considering the foregoing questions in harmony with the spirit of this Nation as set forth herein, and to designate in such invitation the number of commissioners to be selected by each power, and to appoint such commissioners to such conference from the United States of America as he shall deem advisable, and to fix the compensation for their reasonable expenses to be paid out of the appropriation herein made; and that an appropriation of \$50,000 be, and it is hereby, made for the expenses of such commissioners.

Mr. NEWLANDS. Mr. President—

The VICE PRESIDENT. The Senator from Nevada.

Mr. NEWLANDS. Mr. President, I desire to submit a favorable report from the Interstate Commerce Committee on Senate bill 7738, to amend section 20 of "An act to regulate commerce," approved February 4, 1887, as amended June 29, 1906. I also submit a proposed amendment to the general deficiency appropriation bill, which I am authorized to offer, covering the same subject matter.

Mr. OLIVER. Mr. President, I am compelled to object to the receipt of that report except in the regular order.

The VICE PRESIDENT. There is objection.

#### ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF GEORGIA.

Mr. SMITH of Georgia. Mr. President—

The VICE PRESIDENT. The Senator from Georgia.

Mr. SMITH of Georgia. I wish to call attention to the conference report on House bill 17869, providing for the appointment of an additional judge for the southern district of the State of Georgia. I am quite anxious that the matter shall be disposed of, so that we may get it back to the other House.

Mr. SMOOT. I want to say to the Senator from Georgia that I have not the slightest objection to the consideration of the conference report, but a number of Senators have left the Cham-

ber who want to be here to discuss it. One of those Senators has gone away, thinking that this matter would not come up this afternoon.

Mr. SMITH of Georgia. I am afraid that if I do not promptly get it back to the other House the bill will fail.

Mr. SMOOT. I can say to the Senator that he can just as well call up the report on Monday. I dislike to object to it, and yet I feel I shall have to do so, as the Senator to whom I refer is absent.

Mr. SMITH of Georgia. I tried to get up the report last night, but it was objected to; and if I do not get it up now the Senate may adhere to its disagreement with the House on a certain proposition. If so, I want to get it to the House, to see if the House will recede. It has to go back to the House. I deferred pressing it last night on account of the absence of the Senator referred to.

Mr. SMOOT. Of course, I am responsible to the Senator who left the Chamber on account of having a special engagement to-night, and I think the Senator from Georgia knows what it is.

Mr. SMITH of Georgia. Yes.

Mr. SMOOT. I did not know this matter would come up; and the Senator to whom I referred asked me if there was anything coming up, and I said "no."

Mr. SMITH of Georgia. The Senator from Wyoming [Mr. CLARK] is here now. He is the Senator to whom the Senator from Utah refers, as I understand.

Mr. SMOOT. No; he is not the Senator to whom I refer. I repeat that I really dislike to object to the consideration of the report, but I do not feel justified in allowing it to be acted on in the absence of the Senator to whom I refer.

The VICE PRESIDENT. Is there objection to the consideration of the report?

Mr. CLARK of Wyoming. What is the bill to which it relates?

Mr. SMITH of Georgia. I was trying to get up the bill for the additional judgeship in the southern district of Georgia, and was desirous that the Senate should take one course or the other with reference to the amendment on which we have disagreed, so that we could get it over to the other House.

Mr. CLARK of Wyoming. If the purpose is simply to insist on the disagreement and to send the report back to the conference committee, I think there would be no trouble; but if the purpose is, as indicated to me last evening, it will lead to considerable debate, I fancy.

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

Mr. CLARK of Wyoming. Mr. President, the conference report has been agreed to.

The VICE PRESIDENT. It was laid on the table; and there are two motions pending. The Senator from Texas [Mr. CULBERSON] has moved that the Senate further insist upon its amendment numbered 1, disagreed to by the House, and ask for a further conference on the disagreeing votes thereon—

Mr. CLARK of Wyoming. That is it exactly.

The VICE PRESIDENT. And that the Chair appoint the conferees on the part of the Senate. Pending that, the Senator from Nebraska [Mr. NORRIS] moved that the Senate recede from its amendment numbered 1.

Mr. CLARK of Wyoming. But, Mr. President, the conference report was agreed to; and then the chairman of the committee moved a further conference.

The VICE PRESIDENT. Yes; and if the Senate recedes—

Mr. NORRIS. It is all over.

The VICE PRESIDENT. Yes.

Mr. CLARK of Wyoming. The conference report was agreed to, and the conference report was an agreement as to two items and a disagreement as to one.

The VICE PRESIDENT. The conference report has been agreed to.

Mr. CLARK of Wyoming. The conference report has been agreed to. The question was then on the motion of the Senator from Texas [Mr. CULBERSON], but the Senator from Nebraska submitted a motion, which took precedence.

The VICE PRESIDENT. The question is on the Senate receding from amendment numbered 1.

Mr. CLARK of Wyoming. Well, Mr. President—

The VICE PRESIDENT. The Chair wants to know whether there is any objection to the present consideration of the report.

Mr. CLARK of Wyoming. I object to that, Mr. President.

The VICE PRESIDENT. There is objection.

Mr. SMITH of Georgia. Then, Mr. President, I move to proceed to the consideration of the report.

The VICE PRESIDENT. That is in order.

Mr. ASHURST. I want to be heard on that motion, if it is debatable, Mr. President.

The VICE PRESIDENT. It is debatable.

Mr. ASHURST. So far as courtesy goes, I try to extend every courtesy to every Senator on both sides of the Chamber.

Mr. SMITH of Georgia. I will not press the motion against the consent of the Senator from Arizona. I will only make the motion if he is willing to have me take the time to do so.

Mr. ASHURST. I am in favor of the bill and in favor of the position taken by the Senator from Georgia; but if the motion is made, it may result in disclosing the want of a quorum and interfere with the present unfinished business. So I hope the Senator from Georgia will make his motion at another time.

Mr. SMITH of Georgia. I have an agreement with the Senator from Arizona that I will not press the matter until later this evening, at any rate. I am very anxious about the matter.

Mr. ASHURST. Yes; and I will not object to the Senator's motion at another time; but I wish now to proceed as far as possible with the Indian appropriation bill.

#### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House disagrees to the amendments of the Senate to the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, asks for a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PADGETT, Mr. TALBOTT of Maryland, Mr. ESTOPINAL, Mr. BUTLER, and Mr. ROBERTS of Massachusetts managers at the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H. R. 21201) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1916, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. FLOOD of Virginia, Mr. CLINE, and Mr. COOPER managers at the conference on the part of the House.

The message further announced that the House had passed a bill (H. R. 21563) granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa, in which it requested the concurrence of the Senate.

#### ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and they were thereupon signed by the Vice President:

S. 136. An act to promote the welfare of American seamen in the merchant marine of the United States; to abolish arrest and imprisonment as a penalty for desertion; and to secure the abrogation of treaty provisions in relation thereto; and to promote safety at sea;

S. 5734. An act to extend the provisions of an act entitled "An act to provide for an enlarged homestead," approved February 19, 1909, to the State of Kansas;

H. R. 2504. An act to amend section 2 of an act entitled "An act to incorporate the National Society of the Daughters of the American Revolution";

H. R. 19116. An act to grant certain lands to the city of Grand Junction, Colo., for the protection of its water supply;

H. R. 20814. An act to place Candler, Jenkins, and Evans Counties, Ga., in the eastern division of the southern district of Georgia, and to place Bacon and Thomas Counties, Ga., in the southwestern division of the southern district of Georgia; and

H. R. 21491. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

#### HOUSE BILL REFERRED.

H. R. 21563. An act granting the consent of Congress to the Keokuk & Hamilton Bridge Co. to construct a bridge across the Mississippi River at Keokuk, Iowa, was read twice by its title and referred to the Committee on Commerce.

#### NAVAL APPROPRIATIONS.

The VICE PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20975) making appropriations for the naval service for the fiscal year ending June 30, 1916, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SWANSON. I move that the Senate insist upon its amendments, agree to the conference asked for by the House,

the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to, and the Vice President appointed Mr. TILLMAN, Mr. SWANSON, Mr. BRYAN, Mr. PERKINS, and Mr. PENROSE conferees on the part of the Senate.

#### PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. Latta, executive clerk, announced that the President had approved and signed the following acts:

S. 2518. An act granting to the town of Nevadaville, Colo., the right to purchase certain lands for the protection of water supply; and

S. 3897. An act to authorize the Great Northern Railway Co. to revise the location of its right of way, and for other purposes.

#### PUBLIC BUILDING AT HONOLULU, HAWAII.

Mr. SWANSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5295) entitled "An act to amend existing legislation providing for the acquisition of a site and the construction of a building thereon for the accommodation of the post office, United States courts, customhouse, and other governmental offices at Honolulu, Territory of Hawaii, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 3, 5, 6, 7, 8, 9, and 10, and agree to the same.

Amendment numbered 2: That the Senate recede from its disagreement to the amendment of the House numbered 2, and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted insert the following: "sell and convey, by usual quitclaim deed, said site to the highest bidder, at public or private sale, after giving notice by advertisement for 30 days in at least two newspapers published in said city of Honolulu at a minimum price of not less than \$165,000; and the Secretary of the Treasury is hereby authorized to arrange for the reimbursement of the contributors to the opening and dedication of Bishop Street adjoining said site, through any responsible fiscal agent in Honolulu whom he may designate: *Provided*, That the agent serves without compensation; and the Secretary of the Treasury is authorized to deposit with such agent \$35,000 of the amount realized from the sale of the present site, and take a bond from the agent for the full deposit; and the agent shall ascertain the names of the contributors, and the amounts contributed, and shall reimburse them, taking receipt in each case, the reimbursement to be the amount contributed without interest; and the receipt obtained by the fiscal agent shall be considered as evidence of the reimbursement, and the person so reimbursed shall have no further claim. The appointment of the fiscal agent and the conditions under which the reimbursement is to be arranged shall be advertised in at least two local newspapers of wide circulation a stated number of times, and no one of the original contributors shall be entitled to reimbursement unless the claim is filed with the agent within one year after the last time the matter referred to is advertised. The difference between the amount obtained for the sale of the site and \$35,000 shall be deposited in the Treasury as a miscellaneous receipt, and any balance of the \$35,000 which the designated fiscal agent is unable to return to the original contributors shall also be turned into the Treasury as a miscellaneous receipt;" and the House agree to the same.

Amendment numbered 4: That the Senate recede from its disagreement to the amendment of the House numbered 4, and agree to the same with an amendment as follows: In lieu of the sum proposed to be inserted insert "\$275,000"; and the House agree to the same.

CLAUDE A. SWANSON,  
JAMES E. MARTINE,  
F. E. WARREN,  
*Managers on the part of the Senate.*  
FRANK CLARK,  
JOHN L. BURNETT,  
R. W. AUSTIN,  
*Managers on the part of the House.*

The report was agreed to.

#### INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for

the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

The reading of the bill was resumed.

The next amendment of the Committee on Indian Affairs was, on page 13, line 9, after the word "exceed," to strike out "\$8,000" and insert "\$13,000"; in line 10, before the word "horse-drawn" to strike out "forty" and insert "sixty"; and in line 11, after the word "vehicles," to insert "and not to exceed \$20,000 for the purchase of motor-propelled, passenger-carrying vehicles," so as to make the clause read:

That not to exceed \$200,000 of the appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation, and other employees in the Indian field service: *Provided*, That not to exceed \$13,000 shall be used in the purchase of not to exceed 60 horse-drawn passenger-carrying vehicles, and not to exceed \$20,000 for the purchase of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service.

Mr. SMOOT. Mr. President, I should like to ask the chairman of the committee what kind of passenger-carrying vehicles have been used up to this time for the purposes mentioned in this paragraph?

Mr. ASHURST. In response to the Senator's question I will say that this legislation is made necessary as disclosed by the hearings. Mr. Meritt, the Assistant Commissioner of Indian Affairs, said:

I may say that that legislation is made necessary because of section 5 of the legislative, executive, and judicial act of the current year, which prohibited the departments and bureaus of the Government from purchasing passenger-carrying vehicles and motor-propelled vehicles without first getting permission and authority from Congress.

Then he proceeded to say:

We are not asking for an appropriation; we simply ask permission to use out of the funds that have been available heretofore money for the purchase of new equipment necessary for the service.

The CHAIRMAN. What funds do you refer to as being available heretofore?

Mr. MERITT. For example, the fund for farmers. We can not use that appropriation for the purchase of a vehicle for a farmer when it is necessary.

This refers to motor-propelled passenger-carrying vehicles, which means the modern automobile, I presume. It has been ascertained that the automobile has made a great change in the methods of locomotion; that the officials are enabled to get over a reservation 100 miles a day on a motor-propelled vehicle, where they might not have been able to get over it in five days with a horse-drawn vehicle.

We have in the Indian Service 118 automobiles, valued at \$113,978, and 739 vehicles—

I presume that means horse-drawn vehicles—

valued at \$77,538. The superintendents this year estimated for 76 automobiles and 126 vehicles.

Mr. SMOOT. I was wondering why there was not a proviso inserted in this paragraph for the exchange of horse-drawn vehicles and the sale of the horses in order to partially pay for the automobiles.

Mr. ASHURST. That would be a salutary amendment, I believe.

Mr. SMOOT. I know that has been done in a number of the appropriation bills.

Mr. ASHURST. I hope the Senator will propose an amendment to that effect.

Mr. SMOOT. While I am on my feet I want to say that I believe the law which has been enacted preventing the purchase of motor-propelled passenger-carrying vehicles should be repealed. There is not an appropriation bill now presented to the Senate which does not contain a provision specifically stating, as the appropriation does in this paragraph, that it is for such vehicles.

Mr. ASHURST. I hope when the Senate committee amendments shall have been disposed of the Senator will propose such an amendment as he has suggested.

Mr. SMOOT. After the committee amendments are disposed of I shall gladly do that.

The VICE PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment was, on page 13, after line 13, to insert:

For correction of sanitary defects in, and improvement of, Indian homes, \$100,000; to be immediately available and to remain available until expended, said appropriation to be expended and reimbursed under such rules, regulations, and conditions as the Secretary of the Interior may prescribe.

Mr. SMOOT. I ask that all the amendments beginning with line 14, on page 13, and ending with line 13, on page 18, be

passed over for to-night. They all contain new legislation, I will say to the Senator, and I hope he will allow them to go over and proceed with the remainder of the bill, and when we are through with the other amendments we can return to them.

Mr. ASHURST. That is a very reasonable request and entirely within the right and province of the Senator, but may I ask him, since the amendments are going over, will not the Senator do them the credit and himself the justice of reading the House hearings from page 34 to page 40 relating to the particular item?

Mr. SMOOT. I will gladly do so.

The VICE PRESIDENT. In the absence of objection, all the amendments on pages 13, 14, 15, 16, 17, and 18, beginning with line 14, on page 13, down to and including line 13, on page 18, will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, in section 2, under the head of "Arizona and New Mexico," on page 18, line 23, after the word "superintendent," to strike out "\$110,400" and insert "\$119,500"; in line 24, after the word "improvements," to strike out "\$7,500" and insert "\$10,000"; and in the same line, after the words "in all," to strike out "\$117,900" and insert "\$129,500," so as to make the clause read:

For support and education of 700 Indian pupils at the Indian school at Phoenix, Ariz., and for pay of superintendent, \$119,500; for general repairs and improvements, \$10,000; in all, \$129,500.

The amendment was agreed to.

The next amendment was, on page 19, after line 13, to insert:

That so much of the Indian appropriation act approved June 30, 1913 (38 Stat. L., 85), as makes reimbursable out of the tribal funds of the Indians of the San Carlos Indian Reservation an appropriation for the construction of two bridges on the said San Carlos Indian Reservation in Arizona be, and the same is hereby, repealed.

The amendment was agreed to.

The next amendment was, on page 20, line 21, after the name "Arizona," to strike out "\$10,000" and insert "\$15,000," so as to make the clause read:

For improvement and sinking of wells, installation of pumping machinery, construction of tanks for domestic and stock water, and for the necessary structures for the development and distribution of a supply of water for Papago Indian villages in southern Arizona, \$15,000.

The amendment was agreed to.

Mr. PAGE. Mr. President, do I understand that the amendment beginning on line 22 has gone over until Monday?

The VICE PRESIDENT. To what page does the Senator refer?

Mr. PAGE. Page 20.

The VICE PRESIDENT. That amendment is about to be stated.

The reading of the bill was resumed. The next amendment of the Committee on Indian Affairs was, on page 20, after line 21, to insert:

For enlarging the irrigation system for the irrigation of Indian lands, for protective works to prevent damage to irrigable lands by floods, and for development of domestic water supply on the Papago Indian Reservation in Arizona, in accordance with the plans and specifications submitted by the chief engineer in the Indian Service and approved by the Commissioner of Indian Affairs and the Secretary of the Interior, \$20,000, to remain available until expended: *Provided*, That the total cost of this project shall not exceed \$150,000: *Provided further*, That the cost of the said project shall be reimbursed to the United States in accordance with such rules and regulations as the Secretary of the Interior may prescribe.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. LANE. I ask that that amendment go over until Monday.

The VICE PRESIDENT. Which one?

Mr. LANE. I ask that that amendment and the one following go over.

The VICE PRESIDENT. The Chair can not understand the request of the Senator from Oregon.

Mr. LANE. That the amendment just read be allowed to go over until Monday and that the amendment following it be also allowed to go over.

The VICE PRESIDENT. The Chair will state that the Chair put the question on the amendment, and declared it adopted.

Mr. PAGE. I ask that the amendments commencing with line 22, on page 20, down to line 18, on page 23, go over.

Mr. ASHURST. That requires unanimous consent, and to that I object.

Mr. PAGE. Well, Mr. President, I do not want to say that I will object to the amendments on the ground that they are general legislation, but if the Senator declines to let them go over, as I can probably make the point of order, I shall have to do so. I leave that for him to say.

Mr. CLAPP. I do not see what objection there is to letting the amendments go over.

The VICE PRESIDENT. What is the desire of the Senate—that the amendments go over or that they be considered?

Mr. ASHURST. I object to them going over.

Mr. TOWNSEND. Mr. President, I did not hear what the Senator from Arizona said.

Mr. PAGE. He objected to the amendments going over.

Mr. TOWNSEND. May I not say a word to the chairman of the committee? As I understand, the Senator from Oregon [Mr. LANE] and the Senator from Vermont [Mr. PAGE] desire that these amendments go over, at least until we complete the remainder of the bill. It seems to me we would save time by allowing them to go over, and take up the other items and proceed with the bill. Of course, if we reach them before Monday, or at any other time, they can be taken up. It is only asked that they be passed over until the other amendments are considered.

Mr. ASHURST. If the Senator from Michigan asks that they go over, I have no objection, Mr. President.

Mr. PAGE. I make the request that the amendments go over, and if that request is not granted, I desire to be heard.

The VICE PRESIDENT. Let the amendments referred to be passed over.

#### SESSION FOR MEMORIAL ADDRESSES.

Mr. KERN. Mr. President, I desire to ask unanimous consent for the adoption of the following order:

That at not later than 6.15 o'clock this evening the Senate will take a recess until 10.45 a. m. to-morrow, when memorial exercises will be held commemorative of the lives and public services of WILLIAM H. WILDER, late Representative from the State of Massachusetts, and FOREST GOODWIN, late Representative from the State of Maine, at the conclusion of which memorial exercises the Senate will recess until 11 o'clock Monday morning.

Mr. SMOOT. Mr. President, may I ask the Senator to make that 6 o'clock to-night? I am obliged to leave here at 6 o'clock.

Mr. KERN. We are going to have an executive session. I changed it from 6 to 6.15 so that we might have a short executive session.

Mr. SMOOT. I have to leave at 6 o'clock, but that is all right.

The VICE PRESIDENT. Is there any objection to the order? The Chair hears none, and the order is adopted.

#### INDIAN APPROPRIATIONS.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20150) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1916.

Mr. NEWLANDS. Mr. President—

The PRESIDING OFFICER. The Senator from Nevada.

Mr. NEWLANDS. Out of order I submit a report from the Committee on Interstate Commerce.

Mr. TOWNSEND. What is the request?

The VICE PRESIDENT. The Senator from Nevada has asked unanimous consent to make a report. Is there any objection? The Chair hears none.

The SECRETARY. From the Committee on Interstate Commerce the Senator from Nevada submits a report on Senate bill 7738.

Mr. OLIVER. What bill is that?

Mr. PENROSE. What is the title of the bill?

The VICE PRESIDENT. The Chair will ask the Senator from Nevada where is the bill that accompanies the report?

Mr. OLIVER. I will ask the Senator to explain the bill.

Mr. NEWLANDS. I will send for it.

Mr. TOWNSEND. Mr. President, what is the regular order—the consideration of the Indian bill?

The VICE PRESIDENT. Yes, The Senator from Nevada is hunting for a bill.

Mr. TOWNSEND. I call for the regular order.

Mr. HOLLIS. Mr. President—

The VICE PRESIDENT. The Senator from New Hampshire.

Mr. HOLLIS. Out of order, I submit a report from the Banking and Currency Committee.

The VICE PRESIDENT. Is there any objection?

Mr. PENROSE. What is the report? Let us hear it.

Mr. TOWNSEND. I call for the regular order, Mr. President.

Mr. PENROSE. I ask for the regular order.

The VICE PRESIDENT. There is an objection. The Secretary will continue the reading of the bill.

The reading of the bill was resumed, beginning on page 23, line 19, under the heading "California."

Mr. ASHURST. Mr. President, do I understand that the remainder of the Arizona items have gone over?

The VICE PRESIDENT. The Chair understood that there was no objection to the balance of the items going over, to line 19, page 23.

Mr. ASHURST. Then, do I understand that the paragraph, beginning at line 22, page 20, and all the other items under "Arizona," have gone over?

The VICE PRESIDENT. That is what was asked for, and the Senator from Arizona said it was satisfactory.

Mr. ASHURST. I did not hear any request of that kind. I thought the Senator from Michigan asked that one item referring to the Papago Indians should go over, commencing at the bottom of page 20, line 22.

Mr. TOWNSEND. Mr. President, what I did ask was this: I was anxious to make as much headway as possible, and I understood that there was some objection to those two items which might not be urged if Senators had time to consider them; and I thought we could gain time by passing over those, and proceeding with the balance of the bill until we got through.

Mr. ASHURST. There is no objection to those two items going over; but I have been informed that several items more than those two have gone over. I do not want to pass over all of them to which there is no objection.

Mr. CLAPP. The request was made, and it was made very distinctly, beginning at the bottom—

Mr. ASHURST. It may have been distinct to some Senators, but it may have been very indistinct to some on this side. The Senators on that side are not everybody, yet.

Mr. CLAPP. The request was to pass over the items from line 22 on page 20 down to and including line 18 on page 23.

Mr. TOWNSEND. If, however, the chairman of the committee thinks we could gain time by proceeding, I will withdraw the request to have them passed over. I think we will save time by passing them over, inasmuch as we have so much else to do on the bill, but I do not want to interfere at all with the desire of the chairman in reference to that. If he thinks time will be gained by proceeding with the matter, I do not want to ask to have it go over.

Mr. ASHURST. If there be any item in any individual paragraph to which there is objection, I shall be glad to have it passed over; but I do object to a whole section going over, including many paragraphs to which no specific objection has been made.

The VICE PRESIDENT. Well, what shall we do? We must do something.

Mr. ASHURST. I ask that the Secretary continue the reading of the bill, commencing on line 21, page 21.

The reading of the bill was resumed, beginning on line 21, page 21.

The next amendment was, on page 21, line 22, after the word "Reservation," to strike out "\$10,000" and insert "\$25,000, to be immediately available and," so as to make the clause read:

For continuing the development of a water supply for the Navajo Indians on the Navajo Reservation, \$25,000, to be immediately available and to remain available until expended, reimbursable out of any funds of said Indians now or hereafter available.

The amendment was agreed to.

The next amendment was, at the top of page 22, to insert:

To enable the Secretary of the Interior to investigate the desirability and feasibility of purchasing the railroad lands within the Navajo Indian Reservation, in Arizona and New Mexico, out of a reimbursable appropriation, for the use and benefit of the Navajo Indians, and to submit a report thereon to the Congress at the beginning of its next session, which report shall include the estimated cost of said lands and such other information as may be deemed desirable, \$1,000, to be immediately available.

The amendment was agreed to.

The next amendment was, on page 22, after line 9, to insert:

For beginning the construction of a dam and necessary controlling works for diverting water from the Gila River for the irrigation of Indian land and allotments on the Gila River Indian Reservation, Ariz., as recommended by the Board of Engineers of the United States Army in paragraph 217 of its report to the Secretary of War of February 14, 1914 (H. Doc. No. 791), \$50,000, to remain available until expended, reimbursable as Congress may hereafter provide, the total cost not to exceed \$160,000.

Mr. PAGE. Mr. President—

The VICE PRESIDENT. The Senator from Vermont.

Mr. PAGE. I know how deeply interested the Senator from Arizona is in this item. I think I want to support it. I hope he will let it go over. I think if he should press it unduly the question of its being subject to a point of order might be raised.

Mr. ASHURST. I have no objection to its going over, Mr. President.

Mr. PAGE. I should like to have that and all between line 10, on page 22, and line 18, on page 23, go over.

Mr. ASHURST. I object to that, Mr. President.

#### ADDITIONAL JUDGE FOR SOUTHERN DISTRICT OF GEORGIA.

Mr. SMITH of Georgia. Mr. President, if the Senator from Arizona will yield to me now, I wish to move to take up the conference report upon House bill 17869. There will be no objection to it, I think.

Mr. ROOT. Mr. President, we do not know what the bill is or what the request is.

Mr. SMITH of Georgia. I simply ask unanimous consent to take up the conference report on the bill providing for an additional district judge in the State of Georgia.

The VICE PRESIDENT. Is there any objection? The Chair hears none. The pending motion is the motion by the Senator from Nebraska [Mr. NORRIS] that the Senate recede from its disagreement to the House amendment numbered 1.

Mr. ROOT. Mr. President, may the amendment be read?

The VICE PRESIDENT. The Secretary will state the amendment.

The SECRETARY. Amendment numbered 1 is on page 1 of the blue print, the proviso reading as follows:

*Provided, however,* That the President shall make public all indorsements made in behalf of the person appointed as such district judge.

Mr. ROOT. Mr. President—

The VICE PRESIDENT. The Senator from New York.

Mr. ROOT. I wish to say that I consider that provision unconstitutional, unjustifiable, preposterous, and almost insulting. I am wholly opposed to it. I shall not filibuster against the bill. I shall vote against it. I do not think we can properly make up for sacrificing the independence of the Senate by attempting to destroy the independence of the President.

The PRESIDING OFFICER (Mr. WALSH in the chair). The question is on agreeing to the motion of the Senator from Nebraska.

Mr. NORRIS. Mr. President—

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. NORRIS. I had not intended to debate this proposition, because of the lateness of the session and the desirability of getting on with other legislation.

Mr. SMITH of Georgia. Mr. President, will the Senator allow me for just a moment?

Mr. NORRIS. I yield to the Senator from Georgia.

Mr. SMITH of Georgia. I am not an advocate of the provision that the House placed upon this bill, and I do not want to be considered as advocating it; but I do not object a particle in this instance to the President furnishing all the information he has in connection with the appointment of this judge; and it is so important to the southern district of Georgia to have this bill passed that I am going to vote for the amendment of the Senator from Nebraska, to get the bill through.

Mr. NORRIS. Mr. President, it seems to me the remarks of the Senator from New York can not be passed by unnoticed. I have no objection to a man thinking that a proposition of this kind is insulting; but if he feels that way, I really believe that if he wanted to be real gentlemanly he would keep it to himself.

In my opinion the proposition contained in the motion I have made is simply to do the public business in a public way. The House has a provision in this bill that the recommendations filed with the President in favor of the judge he shall appoint shall be made public. The appointment of a judge is a public official act on the part of the President. It seems to me that the President ought to be glad of an opportunity to give publicity to all the recommendations that may be filed with him. While there is no law against it now, they are considered confidential in their nature. If we had a law that provided that they should be public, it seems to me it would sometimes relieve the President of embarrassment.

Mr. CHILTON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from West Virginia?

Mr. NORRIS. Not just now. Let me proceed for just a moment.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. NORRIS. At present I do. If, on the other hand, the President should decide that this is none of the business of Congress, that is for him to determine. I should think he would welcome it. If he considers otherwise, he can take such steps as he deems necessary; but it seems to me that to give publicity to recommendations filed on behalf of judicial appointments is something that would tend to give us better judicial appointments—and all other appointments, for that matter—than we have been getting in the past. At least, every man has a right to his opinion and to his judgment, and he has a right to say that he believes those things ought to be made public without his motives being impugned. The matter is of

such consequence that the great Democratic Party, in its last national platform, had a plank in it in favor of this very proceeding, that publicity should be given.

Mr. President, in this particular case the motion is not of great importance, because it applies only to one man, and perhaps it is a doubtful question whether, if I offered the amendment in the nature of an instruction to make it general law, it would be subject to a point of order at this stage. I did it once before. If I had noticed this bill when it was going through, I would have offered an amendment that would have made it general. I want to give notice now that at the very first opportunity I get when any of these bills are going through providing for the appointment of judges I am going to offer an amendment making it general and providing that the President in all cases shall give publicity to the recommendations; and I am not going to find fault with the man who does not believe in it. He has a right to his opinion. He can vote against it. All I want is a vote, a roll-call vote, when that time comes. I will not ask for a roll call on this, because it is of very little importance, but when that opportunity comes I shall discuss it at more length than I feel I am justified in doing now.

I had said to the Senators who are in favor of hurrying this bill through that I would not debate the matter at all. I did not intend to say anything. I would not have said anything, but it seemed to me, after the remarks of the Senator from New York, that I could not have said less.

Mr. O'GORMAN. Mr. President—

The PRESIDING OFFICER. The Senator from New York.

Mr. O'GORMAN. I simply desire to say a word.

The House provision in this bill is consistent with the declaration of the Democratic Party in its platform at Baltimore two years ago. This question arose in the Judiciary Committee of the Senate. There were some of us Democrats who felt that a decent regard for the platform of the party required us to insist upon inserting a provision on the subject such as the House embraced in this bill. I believe that it can do no harm. I believe that it may exercise a salutary influence.

It is popular now in both parties to speak of the great virtues accomplished by publicity. If people who preach of publicity and its advantages are sincere in their declarations, they surely can have no opposition to a bill requiring the President of the United States, when he nominates judicial officers, to file with the Senate all recommendations regarding the persons named.

I have only to add that I desire a yea-and-nay vote on this proposition.

Mr. CLARK of Wyoming. Mr. President, this is not a new matter for the Senate nor for the conferees who have acted upon this bill. It has been up before this time and has been thrashed out in both Houses. The last case, I think, was the case of a Pennsylvania judge, where some amendment was passed by the House and disagreed to by the Senate and after two sessions of Congress the House receded from their proposition.

Mr. President, as far as I am concerned, I hope the motion of the Senator from Nebraska will not prevail, and that the motion made by the chairman of the conferees will prevail, that the Senate insist upon its disagreement and insist upon a further conference. I think that is due to the conference committee who made this first report.

I do not suppose anyone, particularly at this time, is moved by the idea that this or that or the other thing is or is not considered in any platform, Democratic or Republican. Even the wording of this amendment is unfortunate. It means nothing; it can accomplish nothing.

But, Mr. President, it seems to me clearly an invasion of the right of the President to select whom he chooses for nominations to the Senate. When the nomination comes to the Senate it is for the Senate to assure itself of the qualifications for office of the nominee. I can see where a President would be very much embarrassed. Suppose a good man were nominated for judge and some people who were not so good should indorse that nomination, it would prejudice the nominee and prejudice the choice of the President in the Senate by sending in such indorsements. The President would have to send them all in whether they were intended for the good of the nominee or otherwise.

It seems to me, Mr. President, that the motion ought to be defeated, as it has often been defeated in the Senate before.

Mr. FLETCHER. Mr. President, I wish to make a parliamentary inquiry. Do I understand that this is an amendment to a conference report?

Mr. CLARK of Wyoming. No; it is an amendment offered to a motion made by the chairman of the conference committee.

Mr. NORRIS. It is a motion to recede, which means that the House provision of the bill will become a law if the motion prevails.

The PRESIDING OFFICER. The Chair has held that the motion of the Senator from Nebraska has precedence over the motion to insist.

Mr. FLETCHER. That I understand, but as it was presented it seemed to be an amendment to the conference report, and I was going to suggest that such an amendment is out of order.

Mr. JAMES. Mr. President, I rise for the purpose of supporting the motion made by the Senator from Nebraska [Mr. NORRIS] in favor of the Senate receding from the disagreement to the House provision, and to concur therein, which provision is:

*Provided, however,* That the President shall make public all indorsements made in behalf of the person appointed as such district judge.

Mr. President, what reasonable objection can be offered to this provision. I know of none; not one, except those objections which have always been made by those who desire the public business transacted in the dark and under cover of secrecy rather than in the open and in the light.

The spirit of the great Republic—the very breath that gave it life—was, "Take the people into your confidence." Mr. President, the Democratic platform adopted at Baltimore in 1912, upon which Woodrow Wilson was elected President of the United States, provides:

We note with gratification the unanimous sentiment in favor of publicity, before the election, of campaign contributions—a measure demanded in our national platform of 1908, and at that time opposed by the Republican Party—and we commend the Democratic House of Representatives for extending the doctrine of publicity to recommendations, verbal and written, upon which presidential appointments are made.

By this platform declaration the Democratic Party is committed to support the provision which is here at issue, and I insist that we shall keep the faith, that we shall redeem another promise made by our party to the American people in our national platform.

The President, in appointing a Federal judge, acts as the agent of all the people. Why should the people, the principals from whom the agent derives his power and authority, be denied the right and opportunity to see and know the facts upon which their agent acted? What principal in the conduct and operation of his business affairs would allow his agent to secrete from him the facts surrounding a transaction? The great President who guides the destiny of this Republic believes in publicity. He has taken the people into his confidence in all things. He will do so in appointing a Federal judge. He will welcome such a law as is here proposed. He would submit, I have no doubt, to any citizen who requests it all recommendations made to him. We know that. What we want is to establish by law the principle of publicity, not only for this administration but for all that are to follow it. It is more important to have publicity in the selection of a judge than that of any other appointment, while it is important as to all. The Federal judge is appointed for life while other officers are appointed only for a short term of years. The Federal judge holds the scales in which are weighed not only the property of all the people, but the liberty and life of all the people.

Some say that to make public these recommendations would give the corporations, trusts, and privilege-seeking classes a chance to embarrass a candidate, or one whose name was under consideration, by indorsing him in order to defeat him or to embarrass him if selected. This argument will not hold water. In the first place my observation has always been that the corporation, the trust, and the monopoly never indorse those they do not want. They are too busy pulling wires to get selected the one they do want. Suppose they should resort to such a device or fraud as this? It would deceive no one; the people are not a lot of fools. They would see through this very quickly. The people can sift the wheat from the chaff. I notice one thing that stands out plainly, and that is the special-privilege class are all opposing this character of publicity. If it was such an easy device of deception, it is strange they are not all supporting it. It can never be said of the favor-seeking class that they "Do not know what they want." They always know and the light is one of the things they do not want—they work better in the dark. They do not want "publicity," because they work better privately and confidentially.

Mr. President, let us throw around the selecting of our judges the brightest light and the greatest publicity to the end that our courts may continue pure and above suspicion, for at least the safety and life of a Republic rests in the purity and incorruptibility of its judiciary.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska [Mr. NORRIS] that the Senate recede from its amendment numbered 1.

Mr. CLARK of Wyoming. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. THOMAS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Colorado will state it.

Mr. THOMAS. What is the form in which the question comes before the Senate?

The PRESIDING OFFICER. It is the motion of the Senator from Nebraska [Mr. NORRIS] that the Senate recede from its amendment and assent to the House provision. The yeas and nays have been ordered, and the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. GRONNA (when his name was called). I have a general pair with the senior Senator from Maine [Mr. JOHNSON], and I withhold my vote.

Mr. SAULSBURY (when his name was called). I have a pair with the junior Senator from Rhode Island [Mr. COLT], and therefore withhold my vote.

Mr. STERLING (when his name was called). I have a general pair with the junior Senator from New Jersey [Mr. HUGHES], and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I transfer my pair with the Senator from West Virginia [Mr. GOFF] to my colleague [Mr. SMITH of South Carolina] and vote "yea."

Mr. TOWNSEND (when his name was called). Has the Senator from Florida [Mr. BRYAN] voted?

The PRESIDING OFFICER. He has not.

Mr. TOWNSEND. I have a pair with that Senator, and withhold my vote.

The PRESIDING OFFICER (when Mr. WALSH's name was called). I have a general pair with the Senator from Rhode Island [Mr. LIPPITT]. I transfer that pair to the Senator from Maryland [Mr. LEE] and vote "yea."

The roll call was concluded.

Mr. STERLING. I transfer my pair with the junior Senator from New Jersey [Mr. HUGHES] to the junior Senator from Maine [Mr. BURLEIGH] and vote. I vote "nay."

Mr. MYERS. Has the Senator from Connecticut [Mr. McLEAN] voted?

The PRESIDING OFFICER. He has not.

Mr. MYERS. I have a pair with that Senator. I transfer my pair to the Senator from Arizona [Mr. SMITH] and vote "yea."

Mr. MARTINE of New Jersey (after having voted in the affirmative). I voted inadvertently. I have a pair with the Senator from Connecticut [Mr. BRANDEGEE]. I transfer that pair to the Senator from Mississippi [Mr. WILLIAMS] and allow my vote to stand.

Mr. GRONNA. I will transfer my pair with the senior Senator from Maine [Mr. JOHNSON] to the junior Senator from California [Mr. WORKS] and vote. I vote "yea."

Mr. LEA of Tennessee (after having voted in the affirmative). Has the senior Senator from South Dakota [Mr. CRAWFORD] voted?

The PRESIDING OFFICER. He has not voted.

Mr. LEA of Tennessee. I have a general pair with that Senator which I transfer to the junior Senator from Nevada [Mr. PITTMAN], and I will let my vote stand.

Mr. CLARK of Wyoming. I wish to announce the following pairs:

The Senator from Idaho [Mr. BORAH] with the Senator from Louisiana [Mr. THORNTON];

The Senator from Utah [Mr. SUTHERLAND] with the Senator from Arkansas [Mr. CLARKE]; and

The Senator from Idaho [Mr. BRADY] with the Senator from Indiana [Mr. SHIVELY].

Mr. O'GORMAN. I have a pair with the senior Senator from New Hampshire [Mr. GALLINGER]. I transfer that pair to the junior Senator from Alabama [Mr. WHITE] and vote "yea."

Mr. OVERMAN. I am paired with the senior Senator from California [Mr. PERKINS] and withhold my vote. I wish to be counted as present.

The result was announced—yeas 37, nays 10, as follows:

## YEAS—37.

Ashurst	Hollis	Newlands	Sheppard
Bankhead	James	Norris	Simmons
Burton	Kenyon	O'Gorman	Smith, Mich.
Chamberlain	Kern	Owen	Thomas
Chilton	La Follette	Page	Thompson
Clapp	Lane	Polindexter	Tillman
Fletcher	Lea, Tenn.	Ransdell	Walsh
Gore	Martin, Va.	Reed	
Gronna	Martine, N. J.	Robinson	
Hardwick	Myers	Shafroth	

## NAYS—10.

Catron	Jones	Root	Weeks
Clark, Wyo.	Oliver	Sterling	
Fall	Penrose	Warren	

## NOT VOTING—49.

Borah	du Pont	Overman	Stephenson
Brady	Gallinger	Perkins	Stone
Brandeggee	Goff	Pittman	Sutherland
Bristow	Hitchcock	Pomerene	Swanson
Bryan	Hughes	Saulsbury	Thornton
Burleigh	Johnson	Sherman	Townsend
Camden	Lee, Md.	Shields	Vardaman
Clarke, Ark.	Lewis	Shively	White
Colt	Lippitt	Smith, Ariz.	Williams
Crawford	Lodge	Smith, Ga.	Works
Culberson	McCumber	Smith, Md.	
Cummins	McLean	Smith, S. C.	
Dillingham	Nelson	Smoot	

The PRESIDING OFFICER. In addition to those voting there are in the Chamber Senators OVERMAN, SAULSBURY, TOWNSEND, STONE, and SHIELDS. A quorum is present, and the motion of the Senator from Nebraska [Mr. NORRIS] is carried. So the Senate receded from its disagreement to its amendment numbered 1.

## PETITIONS AND MEMORIALS.

Mr. NELSON presented petitions of sundry citizens of Minnesota, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

Mr. GALLINGER presented a petition of the Joint Legislative Bureau of Information, of Washington, D. C., praying for the enactment of legislation to amend the hours-of-service law relating to railroads so as to provide a minimum fine of \$100 for violations thereof, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Joint Legislative Bureau of Information, of Washington, D. C., praying for the enactment of further legislation to promote safety of travel, which was referred to the Committee on Interstate Commerce.

Mr. GRONNA presented a petition of the North Dakota Retail Hardware Association, praying for the adoption of a 1-cent letter postage rate, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the North Dakota Retail Hardware Association, praying for the enactment of legislation to provide for the publicity of prices and the regulation of price cutting, which was referred to the Committee on Manufactures.

Mr. WARREN presented a petition of the Pioneer Grange, No. 1, of Burns, Wyo., praying for the enactment of legislation to establish a system of rural credits, which was referred to the Committee on Banking and Currency.

Mr. McLEAN presented petitions of the St. Michael's D. R. K. U. Verein, of Bridgeport, and of sundry citizens of New Britain, Bridgeport, and Hartford, in the State of Connecticut, praying for the enactment of legislation to prohibit the exportation of ammunition, etc., which were referred to the Committee on Foreign Relations.

He also presented memorials of sundry citizens of Hamden and Danbury, in the State of Connecticut, remonstrating against the exclusion of certain matter from the mail, which were referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the Woman's Christian Temperance Union, of New Haven, Conn., praying for national prohibition, which was referred to the Committee on the Judiciary.

Mr. CHAMBERLAIN. I present a memorial of the Legislature of Oregon, which I ask may be printed in the RECORD and referred to the Committee on Post Offices and Post Roads.

There being no objection, the memorial was referred to the Committee on Post Offices and Post Roads and ordered to be printed in the RECORD, as follows:

STATE OF OREGON,  
OFFICE OF THE SECRETARY OF STATE.

I, Ben W. Olcott, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of senate joint memorial No. 7 with the original thereof, filed in the office of the secretary of state of the State of Oregon on the 18th day of February, 1915, and that the same is a full, true, and complete transcript therefrom and of the whole thereof.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon.

Done at the capitol at Salem, Oreg., this 18th day of February, A. D. 1915.

[SEAL.]

BEN W. OLCOTT,  
Secretary of State.

By S. A. KOZER, Deputy.

Senate joint memorial No. 7.

To the honorable Senate and House of Representatives of the United States of America:

Your memorialists, the Legislature of the State of Oregon, respectfully represent that—

Whereas there is a limit on the amount of money that may be deposited by any person in the postal savings banks of the United States; and Whereas the rate of interest paid by the Federal Government upon such deposits is 2 per cent per annum; and

Whereas the postal savings are loaned to private banks at the rate of 2½ per cent: Therefore be it

*Resolved by the senate, the house of representatives concurring, That our Representatives and Senators in Congress be, and are hereby, memorialized and requested to use their best endeavors to secure the passage of a law providing that all limitations upon the amount that may be deposited in postal savings banks be removed, and that the rate of interest paid by the Federal Government upon such deposits be increased to 3 per cent per annum; and further*

*Resolved, That the money that may hereafter be deposited in postal savings banks shall be used as a basis for the formation of a rural credit system in this country.*

Adopted by the house February 16, 1915.

BEN SELLING,  
*Speaker of the House.*

Adopted by the senate February 9, 1915.

W. LAIR THOMPSON,  
*President of the Senate.*

(Indorsed:) Senate joint memorial No. 7, by Senator Dimick, J. W. Cochran, chief clerk. Filed February 18, 1915, at 10:50 o'clock a. m. Ben W. Olcott, secretary of state, by S. A. Kozer, deputy.

#### HOMESTEAD ENTRIES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 21122) to validate certain homestead entries, reported it without amendment and submitted a report (No. 1045) thereon.

#### RURAL CREDITS.

Mr. HOLLIS. From the Committee on Banking and Currency I report back favorably, with an amendment, the bill (S. 5542) to provide capital for agricultural development, to create a standard form of investment based upon farm mortgages, to equalize rates of interest upon farm loans, to furnish a market for United States bonds, to provide a method of applying postal savings deposits to the promotion of the public welfare, and for other purposes, and I submit a report (No. 1048) thereon.

The PRESIDING OFFICER. The bill will be placed on the calendar.

#### BILL INTRODUCED.

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURLEIGH:

A bill (S. 7744) granting an increase of pension to Nathaniel Gurney; to the Committee on Pensions.

AMENDMENTS TO GENERAL DEFICIENCY APPROPRIATION BILL (H. R. 21546).

Mr. KERN submitted an amendment authorizing the Secretary of the Treasury to consider and adjudicate, under the act of Congress approved July 27, 1912, the claims of trust companies or other claimants for refund of taxes illegally collected on capital, surplus, or undivided profits, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. JONES submitted an amendment authorizing the Secretary of the Navy to reimburse from the unexpended balance of the appropriation for "depots for coal," fiscal year 1913, certain persons, the same being the appraised value of the personal belongings of each of them which were lost while being lightered ashore at Katalla, Alaska, from the steamship by which transporting from Seattle, Wash., etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. SHIVELY submitted an amendment proposing to appropriate \$800 to pay Byford E. Long for extra services as clerk to the Committee on Pensions, etc., intended to be proposed by him to the general deficiency appropriation bill, which was referred to the Committee on Pensions and ordered to be printed.

Subsequently, Mr. JOHNSON, from the Committee on Pensions, to which was referred the foregoing amendment, reported favorably thereon, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

#### MERCHANTS BRIDGE, ST. LOUIS, MO.

Mr. REED submitted the following resolution (S. Res. 554), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved, That the Committee on the Judiciary or a subcommittee thereof be authorized, during the interval between the Sixty-third Congress and the first session of the Sixty-fourth Congress or during a session or recess of the Sixty-fourth Congress, to send for persons and papers, to administer oaths, to employ a stenographer, at a cost of not to exceed \$1 per printed page, to report such hearings as may be had in connection with the subject matter of Senate joint resolution 111, Sixty-third Congress, now pending before a subcommittee of said committee, and to have such hearings printed for the use of the committee; that the expenses of such hearings be paid out of the contingent fund of the Senate; and that the said committee and such subcommittee thereof may sit during the sessions of the Senate and may conduct said hearings and investigations in the city of Washington or elsewhere as it may deem proper.*

#### ADVERTISEMENTS BY PATENT ATTORNEYS.

Mr. JAMES. I ask unanimous consent for the present consideration of Senate bill 7427.

Mr. OLIVER. I call for the regular order.

Mr. JAMES. I believe the Senator will not object if he hears the bill read. It is a bill introduced by the Senator from Washington [Mr. POINDEXTER]. I think every Senator here will be interested in having it passed.

Mr. WEEKS. I should like—

Mr. JAMES. The bill is not four lines long. A lot of patent lawyers have gone around and gotten Senators and Representatives to give them letters, and they have been advertising in order to get the patronage of the public. This bill proposes to prevent that sort of business. It is solely for the protection of Senators and Representatives.

Mr. WEEKS. I wish to call the attention of the Chair to the fact that there was a unanimous-consent agreement to go into executive session at 6 o'clock and to take a recess at 6.15. I think that agreement should be carried out.

The PRESIDING OFFICER. The unanimous-consent agreement is that not later than 6.15 o'clock the Senate shall take a recess.

Mr. JAMES. If the Senator is going to make that point, of course the unanimous-consent agreement has to be carried out.

#### EXECUTIVE SESSION.

Mr. STONE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After 10 minutes spent in executive session the doors were reopened, and (at 6 o'clock and 15 minutes p. m., Saturday, February 27, 1915) the Senate took a recess until to-morrow, Sunday, February 28, 1915, at 10 o'clock and 45 minutes a. m.

#### NOMINATIONS.

*Executive nominations received by the Senate February 27 (legislative day of February 19), 1915.*

#### SECRETARIES OF EMBASSY OR LEGATION.

##### CLASS 1.

Marshall Langhorne, of Virginia, now secretary of the legation to the Netherlands and Luxemburg, to be secretary of embassy or legation of class 1 of the United States of America.

##### CLASS 2.

Arthur Hugh Frazier, of Pennsylvania, now second secretary of the embassy at Paris, to be secretary of embassy or legation of class 2 of the United States of America.

Leland Harrison, of Illinois, now secretary of the legation at Bogota, to be secretary of embassy or legation of class 2 of the United States of America.

Jordan Herbert Stabler, of Maryland, now secretary of embassy or legation of class 3, to be secretary of embassy or legation of class 2 of the United States of America.

G. Cornell Tarler, of New York, now second secretary of the embassy at Constantinople, to be secretary of embassy or legation of class 2 of the United States of America.

Craig W. Wadsworth, of New York, now secretary of the legation and consul general at Teheran, to be secretary of embassy or legation of class 2 of the United States of America.

##### CLASS 3.

William Whiting Andrews, of Ohio, lately secretary of the legation at Berne, to be secretary of embassy or legation of class 3 of the United States of America.

Frank D. Arnold, of Pennsylvania, now third secretary of the embassy at Tokyo, to be secretary of embassy or legation of class 3 of the United States of America.

Alexander Benson, of Pennsylvania, lately second secretary of the embassy at Rome, to be secretary of embassy or legation of class 3 of the United States of America.

Albert B. Ruddock, of Illinois, now third secretary of the embassy at Berlin, to be secretary of embassy or legation of class 3 of the United States of America.

Charles E. Stangeland, of Washington, now on detail as second secretary of the embassy at London, to be secretary of embassy or legation of class 3 of the United States of America.

##### CLASS 4.

Elbridge Gerry Greene, of Massachusetts, now third secretary of the embassy at London, to be secretary of embassy or legation of class 4 of the United States of America.

Hallett Johnson, of New Jersey, now third secretary of the embassy at Constantinople, to be secretary of embassy or legation of class 4 of the United States of America.

Ralph W. Hills, of Washington, D. C., to be secretary of embassy or legation of class 4 of the United States of America.

Stewart Johnson, of Winnetka, Ill., to be secretary of embassy or legation of class 4 of the United States of America.

Alexander C. Kirk, of Chicago, Ill., to be secretary of embassy or legation of class 4 of the United States of America.

#### CLASS 5.

Henry R. Carey, of Cambridge, Mass., to be secretary of embassy or legation of class 5 of the United States of America.

Frederic R. Dolbeare, of New York, to be secretary of embassy or legation of class 5 of the United States of America.

John Latta Ryan, of Greensburg, Pa., to be secretary of embassy or legation of class 5 of the United States of America.

Eugene C. Shoecraft, of St. Joseph, Mo., to be secretary of embassy or legation of class 5 of the United States of America.

#### UNITED STATES DISTRICT JUDGE.

Martin J. Wade, of Iowa City, Iowa, to be United States district judge for the southern district of Iowa, vice Smith McPherson, deceased.

#### UNITED STATES ATTORNEY.

Vernon A. Bullard, of Burlington, Vt., to be United States attorney for the district of Vermont, vice Alexander Dunnett, whose term has expired.

#### POSTMASTERS.

##### ALABAMA.

Clifford E. Rankin to be postmaster at Brewton, Ala., in place of George F. Schad, resigned.

##### ARIZONA.

Grace Moorman to be postmaster at Ray, Ariz., in place of George O. Nolan. Incumbent's commission expired February 16, 1915.

##### CALIFORNIA.

Katherine S. Bell to be postmaster at Clovis, Cal., in place of Kate Bell. Incumbent's commission expired December 21, 1913.

Hugh Countryman to be postmaster at Westwood, Cal. Office became presidential January 1, 1915.

J. J. Coutts to be postmaster at Sunnyvale, Cal., in place of Fred E. Cornell. Incumbent's commission expired February 1, 1915.

Ira J. Cree to be postmaster at Claremont, Cal., in place of Oliver H. Duvall. Incumbent's commission expired February 17, 1915.

Beatrice F. Donaldson to be postmaster at Hughson, Cal. Office became presidential January 1, 1915.

R. L. Evans to be postmaster at Riverbank, Cal. Office became presidential January 1, 1915.

James Fullerton to be postmaster at Orange, Cal., in place of Nelson T. Edwards. Incumbent's commission expired January 27, 1915.

Virginia H. Gould to be postmaster at Cottonwood, Cal. Office became presidential January 1, 1915.

Daniel M. Gibson to be postmaster at Van Nuys, Cal. Office became presidential January 1, 1915.

James A. Kelly to be postmaster at Beaumont, Cal., in place of James A. Kelly. Incumbent's commission expired July 23, 1913.

Daniel F. Stafford to be postmaster at Covina, Cal., in place of James L. Matthews. Incumbent's commission expired February 4, 1912.

##### COLORADO.

Milas N. Johnson to be postmaster at Calhan, Colo. Office became presidential January 1, 1915.

Benjamin F. Stapleton to be postmaster at Denver, Colo., in place of Joseph H. Harrison, resigned.

##### FLORIDA.

John W. Jackson to be postmaster at Palmetto, Fla., in place of George E. Koons. Incumbent's commission expired February 17, 1915.

##### GEORGIA.

John H. Derrick to be postmaster at Clayton, Ga. Office became presidential October 1, 1914.

##### IDAHO.

Alva A. White to be postmaster at Mountain Home, Idaho, in place of Rhese P. Harmon. Incumbent's commission expires March 3, 1915.

William F. Winkler to be postmaster at Council, Idaho, in place of Pearl Mitchell, removed.

##### ILLINOIS.

Harry Bryant to be postmaster at Norris City, Ill., in place of Edward E. Gott. Incumbent's commission expired February 1, 1915.

G. M. Davis to be postmaster at Findlay, Ill., in place of Otis E. Stumpf. Incumbent's commission expired January 31, 1915.

J. A. Mathews to be postmaster at Greenview, Ill., in place of George C. Roberts, removed.

C. E. Schmidt to be postmaster at Farina, Ill., in place of Arch L. Wade, resigned.

Eugene F. Williams to be postmaster at Sterling, Ill., in place of James P. Overholser. Incumbent's commission expired April 20, 1914.

##### INDIANA.

Louis G. Trixler to be postmaster at Huntington, Ind., in place of Francis I. Stults. Incumbent's commission expires March 3, 1915.

##### IOWA.

Merton I. J. Ackley to be postmaster at Marble Rock, Iowa, in place of Willard Bucklen, resigned.

W. B. Chapman to be postmaster at Correctionville, Iowa, in place of Fred W. Colvin, resigned.

Joseph M. Drees to be postmaster at Carroll, Iowa, in place of Harry E. Beach. Incumbent's commission expired February 1, 1915.

W. B. Durham to be postmaster at Milo, Iowa, in place of Charles J. Millican. Incumbent's commission expired January 18, 1915.

Chris Haffner to be postmaster at Donnellson, Iowa. Office became presidential January 1, 1915.

George F. Hughes to be postmaster at Council Bluffs, Iowa, in place of Arthur S. Hazelton. Incumbent's commission expired January 18, 1915.

Joseph E. McKillip to be postmaster at Bellevue, Iowa, in place of John C. Campbell. Incumbent's commission expired January 18, 1915.

William Molloy to be postmaster at Galva, Iowa. Office became presidential January 1, 1915.

A. Stader to be postmaster at Ankeny, Iowa. Office became presidential January 1, 1915.

##### KANSAS.

Ernest Bray to be postmaster at Neodesha, Kans., in place of Frank E. Shoemaker. Incumbent's commission expires March 2, 1915.

Merida Castleberry to be postmaster at McCune, Kans., in place of H. I. Dolson. Incumbent's commission expired February 16, 1915.

James H. Cosgrove to be postmaster at Olathe, Kans., in place of Thomas L. Hogue. Incumbent's commission expired February 14, 1915.

R. G. Hepworth to be postmaster at Burlingame, Kans., in place of Thomas A. Ellis. Incumbent's commission expired February 21, 1915.

T. P. Mannion to be postmaster at Eldorado, Kans., in place of Alice Murdock. Incumbent's commission expires March 3, 1915.

Catharine E. Simmons to be postmaster at Wellsville, Kans., in place of J. C. Simmons, deceased.

C. K. Simon to be postmaster at Goff, Kans., in place of Walter L. Stocking. Incumbent's commission expires March 2, 1915.

Rodney Torrey to be postmaster at La Crosse, Kans., in place of A. W. Robinson, removed.

Mary A. Travers to be postmaster at Osborne, Kans., in place of Cliff W. Weeks. Incumbent's commission expired February 23, 1915.

##### KENTUCKY.

Joseph E. Moseley to be postmaster at Hopkinsville, Ky., in place of Vincent M. Williamson, removed.

##### LOUISIANA.

George S. Eisely to be postmaster at Tallulah, La., in place of George S. Eisely. Incumbent's commission expired January 25, 1914.

##### MAINE.

Linza A. Burns to be postmaster at Clinton, Me., in place of John M. Jewell. Incumbent's commission expired February 1, 1915.

William F. Curran to be postmaster at Bangor, Me., in place of John M. Oak. Incumbent's commission expired December 19, 1914.

Louis P. Gagnon to be postmaster at Van Buren, Me., in place of Charles F. Hammond. Incumbent's commission expired January 19, 1915.

William S. Hagar to be postmaster at Island Falls, Me., in place of George H. Donham. Incumbent's commission expires March 3, 1915.

Rufus L. Mudgett to be postmaster at Stockton Springs, Me., in place of Harry R. Hichborn. Incumbent's commission expired February 23, 1915.

A. P. Stinchfield to be postmaster at Danforth, Me., in place of Varney A. Putnam. Incumbent's commission expired February 23, 1915.

Ira G. White to be postmaster at Winterport, Me., in place of T. H. Sproud. Incumbent's commission expired February 8, 1915.

#### MARYLAND.

J. McC. Foreman to be postmaster at Emmitsburg, Md., in place of John A. Horner. Incumbent's commission expired February 16, 1915.

#### MASSACHUSETTS.

Richard A. Cronan to be postmaster at Chicopee, Mass., in place of Alexander Grant. Incumbent's commission expired February 1, 1915.

Daniel J. Driscoll to be postmaster at Chicopee Falls, Mass., in place of A. R. Martin. Incumbent's commission expired February 1, 1915.

Frank A. Foster to be postmaster at Manchester, Mass., in place of Samuel L. Wheaton. Incumbent's commission expired February 1, 1915.

Charles P. McMullen to be postmaster at North Easton, Mass., in place of L. B. Crockett. Incumbent's commission expired January 11, 1915.

John R. Smith to be postmaster at Fitchburg, Mass., in place of Charles E. Wallace, deceased.

#### MICHIGAN.

M. D. McPhee to be postmaster at Wolverine, Mich., in place of Charles M. Falls. Incumbent's commission expired February 16, 1915.

Sidney E. Younglove to be postmaster at Monroe, Mich., in place of Charles E. Kirby. Incumbent's commission expired February 16, 1915.

#### MINNESOTA.

James Adlard to be postmaster at Brown Valley, Minn., in place of Jennie M. Gordon, removed.

Fred H. Baldwin to be postmaster at Edgerton, Minn. Office became presidential January 1, 1915.

John L. Harwick to be postmaster at Rochester, Minn., in place of John C. Crabb. Incumbent's commission expired January 11, 1915.

Anthony J. Malmquist to be postmaster at Rushmore, Minn. Office became presidential January 1, 1915.

Frederick Pfaender to be postmaster at New Ulm, Minn., in place of Philip Liesch. Incumbent's commission expires March 2, 1915.

Otto N. Rath to be postmaster at St. Paul, Minn., in place of Edward Yanish. Incumbent's commission expired February 17, 1915.

William Reid to be postmaster at Deer Wood, Minn., in place of E. A. Wasserzieher. Incumbent's commission expired February 23, 1915.

John L. Sammons to be postmaster at Westbrook, Minn. Office became presidential January 1, 1915.

Mark N. Swedberg to be postmaster at Luverne, Minn., in place of Mark Swedberg. Incumbent's commission expired February 23, 1915.

#### MISSOURI.

Orville M. Headlee to be postmaster at Morehouse, Mo., in place of Frederick R. Rauch. Incumbent's commission expires February 28, 1915.

John H. Jackson to be postmaster at Bland, Mo. Office became presidential January 1, 1915.

John Tappmeyer to be postmaster at Owensville, Mo., in place of George W. Tappmeyer. Incumbent's commission expired January 11, 1915.

Hickman J. Wigginton to be postmaster at Linneus, Mo., in place of David B. Ormiston, removed.

#### MONTANA.

Andrew Fleming to be postmaster at Melstone, Mont. Office became presidential January 1, 1915.

G. M. Hanson to be postmaster at Wolf Point, Mont. Office became presidential January 1, 1915.

Tena M. Sanderson to be postmaster at Grassrange, Mont. Office became presidential January 1, 1915.

F. A. Tintinger to be postmaster at Cascade, Mont., in place of Melvin Rowe. Incumbent's commission expired February 6, 1915.

#### NEW HAMPSHIRE.

Michael J. White to be postmaster at Dover, N. H., in place of John T. Welch. Incumbent's commission expired March 14, 1914.

#### NEW JERSEY.

George W. Baldwin to be postmaster at Summit, N. J., in place of Alfred M. Jones. Incumbent's commission expired February 8, 1915.

George Breisacher to be postmaster at Bergenfield, N. J., in place of Charles B. Hunter. Incumbent's commission expired February 23, 1915.

William J. Downs to be postmaster at Wharton, N. J., in place of Edward S. Hance, deceased.

Michael F. Quinn to be postmaster at Linden, N. J. Office became presidential January 1, 1913.

E. W. Townsend to be postmaster at Montclair, N. J., in place of Herbert H. Biddulph. Incumbent's commission expired January 20, 1915.

#### NEW YORK.

John E. Barlow to be postmaster at Horseheads, N. Y., in place of Thomas J. Wintermute. Incumbent's commission expired January 10, 1915.

Frank A. Bartley to be postmaster at Sidney, N. Y., in place of Charles H. Seeley, deceased.

Walter J. Burke to be postmaster at Mineville, N. Y. Office became presidential April 1, 1914.

Jerome Ceperley to be postmaster at Otego, N. Y., in place of Andrew D. Annable. Incumbent's commission expired February 6, 1915.

Almond Cramer to be postmaster at Cherry Valley, N. Y., in place of James O. Beach. Incumbent's commission expires March 3, 1915.

James J. Cunningham, to be postmaster at Corinth, N. Y., in place of Ezra Sayre. Incumbent's commission expired February 21, 1914.

William D. Delaney to be postmaster at Clayton, N. Y., in place of John O. Thibault, deceased.

Frank N. Dowd to be postmaster at Faust, N. Y., in place of Frank R. Pelsue. Incumbent's commission expired December 13, 1914.

John P. Dugan to be postmaster at Fishkill, N. Y., in place of Herman Dean. Incumbent's commission expired December 13, 1914.

David Dunham to be postmaster at Ilion, N. Y., in place of Floyd S. Brooks. Incumbent's commission expired January 10, 1915.

Maurice Fanning to be postmaster at Roxbury, N. Y., in place of B. S. Preston. Incumbent's commission expired December 16, 1914.

Wickham R. Gildersleeve to be postmaster at Mattituck, N. Y., in place of James L. Reeve, resigned.

Albert E. Helmer to be postmaster at Evans Mills, N. Y., in place of Wesley Rulison, deceased.

T. M. Larsen to be postmaster at Dundee, N. Y., in place of Eugene Vreeland. Incumbent's commission expired December 13, 1914.

Peter Lynch, jr., to be postmaster at Roslyn, N. Y., in place of Simon D. Replogle. Incumbent's commission expired February 23, 1915.

John H. Quinlan to be postmaster at Pavilion, N. Y. Office became presidential January 1, 1915.

Daniel J. Roach to be postmaster at West New Brighton, N. Y., in place of George L. Nichol. Incumbent's commission expired January 16, 1915.

Jean L. Reed to be postmaster at Little Valley, N. Y., in place of James H. Wilson. Incumbent's commission expired December 13, 1914.

Frank K. Roberts to be postmaster at Holland Patent, N. Y., in place of Charles R. Peabody. Incumbent's commission expired January 6, 1914.

Fred L. Seager to be postmaster at Randolph, N. Y., in place of Marc D. Johnson, resigned.

Louis P. Snyder to be postmaster at Williamsville, N. Y., in place of Howard G. Britting. Incumbent's commission expired February 1, 1915.

J. W. Telford to be postmaster at Margaretville, N. Y., in place of James H. Hitt. Incumbent's commission expired February 1, 1915.

Edwin J. Van Gorden to be postmaster at Hammondsport, N. Y., in place of George H. Keeler. Incumbent's commission expired February 8, 1915.

Ray B. Worthing to be postmaster at East Rochester, N. Y., in place of Benjamin R. Erwin. Incumbent's commission expired June 14, 1914.

#### NORTH CAROLINA.

Joseph B. Cullipher to be postmaster at Saluda, N. C., in place of William Cannon, deceased.

R. B. Ritchie to be postmaster at Whitney, N. C. Office became presidential January 1, 1915.

L. E. Stevens to be postmaster at Benson, N. C., in place of Robert D. Langdon. Incumbent's commission expires March 2, 1915.

## NORTH DAKOTA.

James A. Foley to be postmaster at Grafton, N. Dak., in place of Herbert B. Grover. Incumbent's commission expired February 23, 1915.

Nette A. Isham to be postmaster at Manning, N. Dak. Office became presidential October 1, 1914.

P. F. Meharry to be postmaster at Starkweather, N. Dak., in place of Percy F. Meharry. Incumbent's commission expired February 23, 1915.

A. R. Thompson to be postmaster at Rolla, N. Dak., in place of William J. Hoskins. Incumbent's commission expired February 23, 1915.

## NEBRASKA.

William C. Brodhun to be postmaster at Dodge, Nebr., in place of Joseph F. Hejtmánek, resigned.

John A. Cocklin to be postmaster at Milford, Nebr., in place of Henry J. Matzke, resigned.

Sebastian E. Marty to be postmaster at Columbus, Nebr., in place of W. A. McAllister. Incumbent's commission expired January 13, 1915.

John Menary to be postmaster at Arnold, Nebr. Office became presidential April 1, 1914.

A. E. Ovenden to be postmaster at Pawnee City, Nebr., in place of John F. Griffith. Incumbent's commission expires March 2, 1915.

William R. Pease to be postmaster at Niobrara, Nebr., in place of George W. Draper. Incumbent's commission expired February 5, 1914.

T. A. Willmore to be postmaster at Hebron, Nebr., in place of William Cook. Incumbent's commission expired February 14, 1915.

## OKLAHOMA.

Frank Emanuel to be postmaster at Sulphur, Okla., in place of Harris B. Webster. Incumbent's commission expired June 7, 1914.

E. S. Gray to be postmaster at Weleetka, Okla., in place of Arthur B. Pemberton. Incumbent's commission expires March 2, 1915.

Henry W. Kinnard to be postmaster at Rush Springs, Okla., in place of J. Lee Wilemon, resigned.

R. A. Lackey to be postmaster at Roosevelt, Okla., in place of Calvin S. Ward. Incumbent's commission expired February 17, 1915.

L. A. Owens to be postmaster at Fort Cobb, Okla., in place of John M. Clifford. Incumbent's commission expired December 15, 1914.

W. B. Pickett to be postmaster at Hinton, Okla., in place of Henry A. White. Incumbent's commission expired December 15, 1914.

J. B. Pope to be postmaster at Heavener, Okla., in place of Noah S. Costelou. Incumbent's commission expired February 14, 1915.

John D. Pugh to be postmaster at Anadarko, Okla., in place of W. I. Lacy. Incumbent's commission expired January 27, 1915.

## OREGON.

Hugh P. McLain to be postmaster at Marshfield, Oreg., in place of William B. Curtis. Incumbent's commission expires March 2, 1915.

S. Bruce Shangle to be postmaster at Milton, Oreg., in place of Fletcher E. Wilcox. Incumbent's commission expired February 1, 1915.

## PENNSYLVANIA.

Nicholas F. Barrett to be postmaster at Carnegie, Pa., in place of J. Kelso Nickel. Incumbent's commission expires March 2, 1915.

Ulysses G. Bowers to be postmaster at Big Run, Pa., in place of William D. McHenry. Incumbent's commission expires March 2, 1915.

John W. Clouse to be postmaster at Moscow, Pa. Office became presidential October 1, 1914.

Josiah Cole to be postmaster at Slatington, Pa., in place of Samuel J. Evans. Incumbent's commission expired January 10, 1915.

Jesse B. Conner to be postmaster at Overbrook, Pa., in place of Jesse B. Conner. Incumbent's commission expired February 16, 1915.

Alexander B. Grof to be postmaster at Somerset, Pa., in place of John A. Lambert. Incumbent's commission expires March 2, 1915.

W. F. Harrer to be postmaster at Montoursville, Pa., in place of George C. Burrows. Incumbent's commission expired February 23, 1915.

Christian Henderson to be postmaster at Woodlawn, Pa., in place of William G. Cochran. Incumbent's commission expired January 10, 1915.

J. M. Keesey to be postmaster at Foxburg, Pa. Office became presidential January 1, 1914.

Clyde G. McMurray to be postmaster at Oakdale, Pa., in place of Elsie Shrodes. Incumbent's commission expires March 2, 1915.

Nora L. Pickering to be postmaster at Peckville, Pa., in place of Nora L. Pickering. Incumbent's commission expired December 13, 1914.

M. J. Sarvey to be postmaster at Mars, Pa., in place of Charles B. Boyd. Incumbent's commission expired December 16, 1914.

Frederick A. Shaw to be postmaster at Tidoute, Pa., in place of William W. Kemble. Incumbent's commission expired February 1, 1915.

Charles N. Stevens to be postmaster at Knoxville, Pa., in place of Fred G. Brown. Incumbent's commission expired February 17, 1915.

## SOUTH DAKOTA.

Emma Kathryn Biehn to be postmaster at Gregory, S. Dak., in place of Fred Huston, resigned.

## TEXAS.

W. E. Bellah to be postmaster at St. Jo, Tex., in place of Samuel J. Hott. Incumbent's commission expired February 16, 1915.

Charles H. Cmajdalka to be postmaster at Fayetteville, Tex., in place of William Hotmann. Incumbent's commission expired December 16, 1914.

## UTAH.

Linda Bardsley to be postmaster at Gunnison, Utah. Office became presidential January 1, 1915.

## VERMONT.

J. A. Cannon to be postmaster at Rochester, Vt., in place of Ernest W. Chase. Incumbent's commission expired January 11, 1915.

William J. Francis to be postmaster at Fort Ethan Allen, Vt. Office became presidential January 1, 1915.

## VIRGINIA.

Walter Fauntleroy to be postmaster at Alta Vista, Va., in place of Charles Q. Edwards. Incumbent's commission expired February 1, 1915.

## WASHINGTON.

E. J. Byrne to be postmaster at Garfield, Wash., in place of Charles A. Gwinn. Incumbent's commission expired January 11, 1915.

L. N. Sill to be postmaster at Coupeville, Wash. Office became presidential January 1, 1915.

## WEST VIRGINIA.

Daniel J. Moran to be postmaster at Thomas, W. Va., in place of Fannie E. Helmick. Incumbent's commission expired January 31, 1915.

## WISCONSIN.

William Denomie to be postmaster at Odanah, Wis., in place of Robert V. Walker. Incumbent's commission expired January 10, 1915.

Carrie M. Hogan to be postmaster at Turtle Lake, Wis. Office became presidential October 1, 1914.

Herman A. Ohm to be postmaster at South Milwaukee, Wis., in place of Frank J. Boyle. Incumbent's commission expired December 15, 1914.

F. M. Porter to be postmaster at Elkhorn, Wis., in place of John H. Snyder, jr. Incumbent's commission expired February 17, 1915.

Benjamin S. Shove to be postmaster at Onalaska, Wis., in place of Thomas G. Aiken. Incumbent's commission expired February 6, 1915.

W. B. Telyea to be postmaster at Cambridge, Wis., in place of Christ Lagried. Incumbent's commission expires March 2, 1915.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate February 27 (legislative day of February 19), 1915.*

## POSTMASTERS.

## COLORADO.

Benjamin F. Stapleton, Denver.

## KENTUCKY.

Virgie H. Lytle, Augusta.

## NEW YORK.

Thomas H. O'Keefe, Oyster Bay.

## TENNESSEE.

James M. Cates, Maryville.